

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M No. 14596 of 2017
Date of Decision: 26.05.2017

SHAMPY

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks regular bail under Section 439 Cr.P.C. in case bearing FIR No.80 dated 05.08.2016 under Sections 279, 337, 427, 489 IPC and Section 15/61/85 of NDPS Act (added later on), registered at Police Station Sadar Nabha, District Nabha.

The FIR was registered on the basis of writing given by Jasbir Singh with the allegations that in front of the complainant, his neighbour Harpreet Singh was going on a motorcycle. When they were coming to the village and reached ahead of one sheller, then the offending vehicle came in a very rash and negligent manner and by coming on the wrong side, hit motorcycle of Harpreet Singh. Harpreet Singh fell down and the

car came to be stopped on the right side of the road. Driver of the car and one more person sitting on the adjoining seat ran away from the spot. Harpreet Singh was hospitalized from where he was referred to Rajindra Hospital, Patiala and then to PGI.

120 kgs of poppy husk was allegedly recovered from the car at a subsequent stage.

Petitioner was accused in FIR No.30 dated 20.04.2016 under Section 15/61/85 of NDPS Act, Police Station Sadar Nabha and he was granted bail by the High Court on 23.02.2017 in CRM-M No.2601 of 2017. While granting bail, it was noticed by the High Court that the petitioner was also on bail in FIR No.164 dated 01.12.2014 under Section 15 of the NDPS Act, Police Station Amargarh, District Nabha.

In the present FIR, petitioner was not arrested from the spot. He was arrested on 16.08.2016 on the identification of Sukhdev Singh where Sukhdev Singh alleged that the petitioner was the person who took the car in question from his son Gurlal.

Learned State counsel on instructions from ASI Mohan Singh submitted that the owner of the vehicle i.e. Sukhdev Singh and his son Gurlal have not been arrayed as accused.

Challan has been presented and charges have been framed.

In view of above, it would be debatable as to the complicity of the petitioner on the basis of material collected by the police.

In the light of aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

May 26, 2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking : Yes/No

Whether reportable : Yes/No