

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-16801 of 2017

.....

Date of decision:24.5.2017

Satnam Singh alias Badal

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. K.S. Aulakh, Assistant Advocate General, Punjab for
the respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.92 dated 3.10.2016, registered for the offences under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police Station Mamdot, District Ferozepur.

Notice of motion to Advocate General, Punjab.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that first of all the recovery from the petitioner as per the disclosure statement is stated to be 49 Kgs. of poppy husk, which is non-commercial. Secondly, it is the case of the prosecution

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that earlier also the present petitioner ran away from the spot when about 160 Kgs. of poppy husk had been recovered from the fields where Subeg Singh co-accused was sitting on the bags.

A perusal of the FIR shows that the name of the petitioner has been mentioned by the secret informer. There is nothing in the FIR regarding the identity of the present petitioner. No description, name of the person, who fled away, has been mentioned. There is also no mention that any of members of the Police party had identified the present petitioner. The co-accused has already been granted anticipatory bail.

At this stage, it is debatable whether the recovery effected from the fields can be connected with the recovery from the accused on the basis of his disclosure statement after some days. The petitioner has been in custody since 15.10.2016. He is not required for interrogation or investigation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose would be served by keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

May 24, 2017.

(Inderjit Singh)
Judge

hsp

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NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No