

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34115-2017

Date of decision: 11.12.2017

Baljeet @ Patwari

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.226 dated 16.04.2016 under Sections 15/61/85 of NDPS Act, registered at Police Station Ratia, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner is in judicial lockup for the last 01 year and 04 months. Counsel for the petitioner further submits that as per the version given in the FIR, the recovery was effected from the open fields and the petitioner is residing along with his three other brothers in dhani. Counsel for the petitioner also submits that there is no evidence to connect the petitioner with the alleged recovery or that the petitioner was in conscious possession of recovered contraband.

Learned State counsel, on instructions from HC Balwinder Singh, has, however, opposed the prayer for bail on the ground that the petitioner is involved in other FIRs under the NDPS Act.

In reply, learned counsel for the petitioner placed on record photocopies of the orders passed by respective Courts, in which the petitioner has been granted regular bail in three other FIRs and as per the custody certificate dated 09.10.2017. In one FIR No.307, which is triable by Court of Magistrate, the petitioner has undergone 01 year, 02 months and 13 days of actual sentence. It is further submitted that out of 15 prosecution witnesses, only one PW has been examined so far in present case.

Without commenting on merits of the case, considering the fact that the petitioner is in judicial lockup for the last 01 year and 04 months; only one PW has been examined so far, out of total 15 PWs; and it will take long time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail bonds with two sureties to the satisfaction of the trial Court.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

11.12.2017
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No