

CRM-M-38225-2017

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

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Date of Decision: 04.12.2017

Inderjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. C.L.Verma, Advocate,
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Inderjit Singh has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.119 dated 06.08.2013, registered at Police Station Sadar Ludhiana, District Ludhiana, under Sections 15 and 18 of the NDPS Act, 1985.

Notice of motion was issued. Learned State counsel has appeared and contested the instant petition.

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

From the record, I find that as per the FIR, the police party flashed a signal with torch to stop the car. The car was stopped 30-35

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yards away from the police party and two persons ran away. There is nothing in the FIR that anybody had identified those persons who ran away from the car. A lady alongwith minor child, who was sitting on the rear seat of the car, was apprehended and she named the present petitioner and co-accused, who ran away. Perusal of the record shows that there is no evidence that any member of the police party had identified the accused. The lady who was apprehended and is co-accused, will not come to the witness-box to depose regarding the identity of the accused. Otherwise also, any confessional statement made by co-accused in police custody without any recovery etc. is inadmissible in evidence.

Moreover, the petitioner has been in custody since 05.04.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final 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 bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

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However, it is made clear that whatever stated above is only for the purpose of deciding this petition for bail and in any way shall not constitute any opinion on the merits of the case.

04.12.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No