

Sr. No.214

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-39503 of 2016 (O&M)

Date of Decision:23.01.2017

Simranjit Singh @ Goldy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

Ms. Rajni Gupta, Additional A.G., Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.130 dated 19.10.2013, under Sections 25, 22, 61, 85 of NDPS Act, registered at Police Station Sangat, District Bathinda.

Counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 270 grams of contraband powder and 125 injections of Fortwin was effected from three co-accused while travelling in a vehicle. Insofar as the present petitioner is concerned, he is sought to be implicated on the basis that he is the owner of vehicle in question. Even as per prosecution, petitioner was not present and as such was not apprehended on the spot.

The present petition has been opposed vehemently by learned State counsel by contending that the petitioner having been granted the benefit of bail has misused such concession and on account of having

against him. State counsel further submits that petitioner does not have clean antecedents inasmuch as he is involved in another case under the NDPS Act.

Insofar as the other case under the NDPS Act is concerned, petitioner is stated to be on bail.

Even though petitioner has misused the concession of bail however, he was arrested on 09.12.2015 and as such has faced incarceration for the last almost 14 months.

Keeping in view the length of incarceration and coupled with the fact that no recovery was in fact made from the person of the present petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Bathinda.

Disposed of.

23.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No