

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43572 of 2016

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Date of decision:30.1.2017

Inderjit Singh alias Inder

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Govind Sharma, Advocate for the petitioner.

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

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.161 dated 16.10.2014 (Annexure-
P.1) registered for the offences under Sections 21 and 29 of the Narcotic
Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as
'the Act') at Police Station Ferozepur Cantt., District Ferozepur.

Notice of motion has been issued in this case.

Mr. K.S. Aulakh, learned Assistant Advocate General, Punjab
has put in appearance on behalf of the respondent-State and contested this
petition.

I have heard learned counsel for the petitioner as well as
learned Assistant Advocate General, Punjab appearing for the respondent-

State and have gone through the record.

As per the FIR, three persons were seen coming by the Police party. One person, namely, Chamkaur Singh alias Gora co-accused had been apprehended and two persons were successful in escaping from the spot. As per the FIR, Chamkaur Singh alias Gora co-accused identified those two persons as Inderjit Singh alias Inder and Billu alias Babu.

Learned State counsel after perusing the Police file brought to the notice of this Court that none of the Police officials and witnesses had identified the persons who ran away from the spot. He submitted that only on the basis of statement of co-accused the identity has been established.

The petitioner has been in custody since 17.6.2016. The petitioner 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 will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, 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, I find that Chamkaur Singh alias Gora co-accused will not come as prosecution witness to prove the identity of the present petitioner. At this stage, therefore, I find that though the recovery in the case is commercial quantity, but in view of the above discussion, as none of the Police officials and witnesses had identified the accused-petitioner, therefore, in the circumstances I find merit in this petition and same is allowed. 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.

However, it is made clear that the observations made herein shall not, in any manner, be construed as an expression of opinion on the merits of the case. The observations made above are only for the purpose of deciding this petition.

January 30, 2017.

(Inderjit Singh)
Judge

hsp

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