

CRM-M No.44473 of 2016
Date of Decision: 01.03.2017

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Mr. Shilesh Gupta, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.16 dated 21.02.2015, registered under Sections 18, 25, 61, 85 of the NDPS Act at Police Station Mehna, Distt. Moga.

Learned counsel for the petitioner submitted that vide order dated 20.05.2016 passed by this Court in CRM-M No.9576 of 2016, direction was issued to the trial Court that the trial of the case be concluded within a period of six months by giving short adjournments and in case the trial is not concluded within the stipulated period, it will be open for the petitioner to approach the Court for the grant of bail afresh. Admittedly the trial has not been concluded so far.

According to the learned counsel, petitioner was not

the owner of the car and the co-accused Manpreet Singh was found to be innocent and the prosecution failed to get him summoned under Section 319 Cr.P.C. Petitioner is in custody since 21.02.2015.

Learned State counsel on instructions from ASI Sukhwinder Singh stated that out of 13 prosecution witnesses, 6 prosecution witnesses have been examined so far. Petitioner was arrayed as accused along with co-accused namely Kuldeep Singh and Manpreet Singh, who were also allegedly travelling in the car in which petitioner was sitting on the back seat. The alleged contraband i.e. 5 kgs. of opium was recovered during the search of the car which was lying between two seats.

At this stage, keeping in view the totality of the facts and circumstances, particularly in view of direction issued by this Court on 20.05.2016, I am of the view that the petitioner can be granted concession of regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 01, 2017.

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No