

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

CRM-M-44892 of 2016 (O&M)

Date of decision: 02.05.2017

Sher Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Passi, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 59 dated 18.05.2015, registered under Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Cantt Ferozepur, District Ferozepur.

It is contended that the petitioner is not named in the FIR. The petitioner has been introduced in the FIR on the basis of disclosure statement of co-accused, Sukhwinder Singh made after five days of registration of present FIR. It is asserted that the present FIR has been registered at the behest of accused in FIRs wherein the petitioner as disciplined police force person has played his official role effectively. The recovery in the instant case was not effected from the conscious possession of the petitioner or the house is not in the exclusive

possession of the petitioner from where the recovery was effected. The petitioner is in custody since 15.11.2016.

On the other hand, the learned State counsel opposes the prayer of bail and states that recovery was effected from the conscious possession of the petitioner.

I have heard learned counsel for the parties and perused the record.

Allegedly 260 gms of alprazolam was recovered. Considering the fact that petitioner is not named in the FIR; he is in custody since 15.11.2016; the conclusion of trial will take a long time, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of CJM/Duty Magistrate/ trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

02.05.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No