

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

CRM -M-5229 of 2017 (O&M)

Date of decision: 22.02.2017

Premdeep Singh @ Issu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

Ms. Shivali, AAG, Punjab
assisted by ASI Sukhdev Singh.

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. 246 dated 21.06.2016, registered under Sections 399 and 402 of IPC, Section 25 of Arms Act and Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Civil Lines, District Amritsar.

It is contended that the petitioner has been falsely implicated on the basis of secret information to the extent that certain bad elements keep watch during the day time in the locality and committed theft during night. The petitioner is not involved in any other FIR. As per FIR, allegedly one sickle (dattar) and 150 gms of intoxicant powder were recovered from the auto rickshaw, however, the learned counsel states that the recovery of the contraband was not effected from the conscious

possession of the petitioner. Neither he is the owner nor the driver of the auto rickshaw. The petitioner is in custody since 25.06.2016.

On the other hand, learned State counsel opposes the bail application and states that the petitioner was arrested from the spot with deadly weapon. However, she fairly acknowledges the fact that the petitioner is not involved in any other FIR.

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

Considering the fact that FIR was registered on the basis of suspicion that the petitioner is involved in number of FIRs which prima facie is not approvable at this stage in view of the statement made by learned State counsel; the petitioner is in custody since 25.06.2016; the challan is yet to be presented, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, 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, concerned.

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

22.02.2017

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(JITENDRA CHAUHAN)
JUDGE

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