

Crl. Misc. No. M-1039 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-1039 of 2018

DATE OF DECISION:01.06.2018

Tejinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

DAYA CHAUDHARY, J.

In pursuance of order dated 17.5.2018, an affidavit of Superintendent of Police (Investigation), Patiala has been filed in Court today and the same is taken on record. In the affidavit, it has been stated that instructions dated 9.8.2017 have been issued by following earlier notification dated 3.9.1987.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Tejinder Singh in case FIR No. 34 dated 28.2.2017 registered under Sections 20/61/85 of NDPS Act at Police Station City, Rajpura, District Patiala.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case and he is behind the bars since the date of lodging of the FIR i.e. 28.2.2017. Out of total eleven witnesses, two

have been examined. All the witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence. Learned counsel further contends that there is no other case of NDPS Act pending against the petitioner. Trial may take long time to conclude and no purpose would be served by keeping the petitioner behind the bars. Learned counsel also contends that even the investigating officer was not competent to investigate the case in view of notification dated 3.9.1987.

Learned counsel for respondent-State has not disputed the submissions made by learned counsel for the petitioner to the extent of custody and stage of the trial but opposed grant of the bail to the petitioner on the ground that recovery is commercial.

Keeping in view the submissions made by learned counsel for the petitioner and the facts that the petitioner is in custody since 28.2.2017; no other case of NDPS is pending against him; all the witnesses are official witnesses; there is no possibility that the petitioner may influence them or tamper with the evidence and trial may take long time to conclude, the present petition is allowed. Petitioner-Tejinder Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

June 01, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No