

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH
 CRM-M No.12734 of 2018
 Date of Decision: 03.04.2018

DIDAR SINGH @ DARA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sant Pal Singh Sidhu, Advocate
 for the petitioner.

Mr. Hittan Nehra, 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.103 dated 10.05.2017, registered under Sections 18/61/85 of the NDPS Act at Police Station Sultanwind, District Amritsar District Amritsar.

As per prosecution story, he was pillion rider on the scooter being driven by his son and on seeing the police party, the driver became perplexed and the petitioner succeeded in fleeing away from the spot. Opium weighing 4 kg and 500 grams was recovered from the son of the petitioner. Identity of the petitioner came to be known only during the interrogation of son of the petitioner whose statement revealed that his father was previously convicted by the Courts of Sessions, Amritsar and he was sentenced to undergo rigorous imprisonment for 10 years in the case of NDPS Act. The co-accused did not tell the police anything about the filing

of CRA No. 906-DB of 2006 in which petitioner was acquitted by the High Court. Even otherwise statement of co-accused in police custody would be hit by Section 25 of the Evidence Act. Moreover as per the instructions given by ASI Nirmal Singh accused-petitioner is not required in any other case. As per the custody certificate submitted by learned State counsel the petitioner is in custody since 30.10.2017.

After hearing learned counsel for the parties, at this stage without adverting anything on merits of the case, it can be seen that the complicity of the petitioner in relation to the offence in question would remain debatable, therefore, I deem it appropriate to enlarge the petitioner on regular bail, who is in custody since 30.10.2017.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Amritsar.

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

April 03, 2018
tarun sahani

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No