

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14427-2018
Date of decision : 31.05.2018

Talwinder Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Sushma Chopra, Advocate for the petitioner.

Ms.Jaspreet Kaur, AAG, Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. for the grant of regular bail in case FIR No.86 dated 28.06.2016, under Section 21, 61, 85 of NDPS Act, registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on the basis of disclosure statement made by co-accused. Nothing has been recovered from the petitioner and recovery has been effected from the main accused who are in custody. Learned counsel for the petitioner also submits that the investigating officer got recorded the disclosure statement of three accused who were in custody in connection with some other case regarding purchase of 300 grams of Heroin from Patti City from some unknown person. The petitioner is in custody since 28.06.2016 and has undergone custody of more than 01 year and 10 months. After presentation of challan, charges have

been framed but not even a single witness has been examined so far. There is no other case of NDPS Act pending against the petitioner and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the stage of the trial as well as custody period of the petitioner as well as his implication on the basis of disclosure statement made by co-accused and also the fact that there is no other case of NDPS Act pending against him.

Keeping in view the stage of the trial and also the facts that petitioner has been implicated on the basis of disclosure statement made by co-accused; he is in custody for the last more than 01 year and 10 months, that after the presentation of challan not even a single witness has been examined by the prosecution; all the witnesses are official and that there is no possibility for the petitioner to influence them, the present petition is allowed. The petitioner namely Talwinder Singh is ordered to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(DAYA CHAUDHARY)
JUDGE

31.05.2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No