

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

CRM-M No.1451 of 2018

Date of Decision: 11.10.2018

Joginder Singh @ Midda

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Buta Singh Bairagi, Advocate
for the petitioner.
Mr. C.L. Pawar, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J.

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.58 dated 12.05.2017 registered under Sections 22/61/85 of the NDPS Act and Sections 25/54/59 of the Arms Act at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case due to party faction in the village. Earlier also, the cases were registered against the petitioner but out of total 22 cases, he has been acquitted in 18 cases and in one case, the fine has been imposed but in one case, he has been convicted against which, the appeal is pending and the petitioner is on bail. Learned counsel also submits that the case of the prosecution has not been supported by PW-3 Amandeep Singh as he has specifically stated that no recovery was effected in his presence, whereas, as per allegations, the recovery was effected from the house of the petitioner in his presence. Learned counsel also submits that the petitioner is in custody since 30.09.2017 and no independent witness was joined at the time of alleged recovery. The petitioner has been

picked up from the house. There are total 13 witnesses, out of which, 09 witnesses have been examined. All witnesses are official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses.

Learned State counsel has not disputed the custody period as well as stage of trial. He has also not disputed that PW-3 Amandeep Singh has not supported the case of the prosecution. It has also not been disputed that the petitioner has been acquitted in 18 cases out of total 22 cases.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

By considering the submissions made by learned counsel for the petitioner; the custody as well as stage of trial and also the fact that all witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed and petitioner, namely, Joginder Singh @ Midda is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case, the petitioner is found to be involved in any other case of NDPS Act or he misuses the concession of bail granted by this Court, the State is at liberty to move an application for cancellation of bail granted to him.

(DAYA CHAUDHARY)
JUDGE

11.10.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No