

Crl. Misc. No. M-18717 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-18717 of 2018

DATE OF DECISION:14.11.2018

Tarlochan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. JS Brar, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Tarlochan Singh in case FIR No. 153 dated 13.10.2017 registered under Section 15/61/85 of NDPS Act at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that the petitioner is neither owner nor driver of the truck. The petitioner was picked up from his house on the intervening night of 12/13 October, 2017. Learned counsel further contends that total recovery from three persons is 81 kgs of poppy husk. The petitioner is in custody since 13.10.2017 and all the witnesses are official and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses. Learned counsel also contends that the truck belongs to co-accused and mandatory provisions of NDPS Act have

been complied with. It is also the argument of learned counsel that no other case of NDPS Act is there against the petitioner.

Learned counsel for respondent-State has not disputed the custody period as well as the fact that petitioner is not owner of the truck. However, he contends that remaining two co-accused are still in custody and out of total 12 prosecution witnesses only three have been examined.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that the petitioner is in custody since 13.10.2017; all the witnesses are official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence; no other case of NDPS Act is there against the petitioner and the truck from which the recovery was effected does not belong to the petitioner, the present petition is allowed. Petitioner-Tarlochan Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 14, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No