

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19219-2018

Date of decision: 11.07.2018

Ramesh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ajay Pal Singh, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.119 dated 14.11.2017 under Sections 22/61/85 of NDPS Act, registered at Police Station Bahavwala, District Fazilka.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and as per version given in the FIR, one person ran away from the spot and name of the petitioner has been surfaced on the disclosure statement of co-accused, from whom the recovery was made. Thereafter, the petitioner was arrested and even subsequent to his arrest, no recovery is effected from the petitioner. It is further submitted that the petitioner is in judicial lockup since 14.02.2018 and he is not involved in any other case.

Learned counsel for the petitioner further submits that though the charges have been framed but no prosecution witness has been examined so far.

Learned State counsel has filed the custody certificate and has not disputed the fact that the petitioner is in judicial lockup since 14.02.2018 and is not involved in any other case, however, on instructions from ASI Ravinder Kumar, he has submitted that no prosecution witness has been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is first offender; he was not named in the FIR, which was registered on the basis of secret information; he was not arrested at the spot; he was nominated in the FIR on the basis of disclosure statement of his co-accused and subsequent to his arrest, no recovery was effected from the petitioner and also in view of the fact that the prosecution evidence is yet to start, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

11.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No