

Crl. Misc. No. M-19788 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-19788 of 2018

DATE OF DECISION:27.11.2018

Rajesh @ Banti

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Rajesh @ Banti for grant of regular bail to him in case FIR No. 172 dated 16.11.2017 registered under Sections 22/61/85 of NDPS Act at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, he was not involved. The alleged recovery is 100 gms of intoxicating power, which was planted falsely upon him. Learned counsel further contends that no independent witness was joined at the time of alleged recovery, whereas, it was a public place and heavy traffic was there. The investigation of the case has been completed and challan has also been presented. Nothing is to be recovered from the petitioner and he is in custody since 16.11.2017. Learned counsel

also contends that no other case under NDPS Act is there against the petitioner. It is also the argument of learned counsel that under the similar circumstances accused-Gurpreet Singh @ Gopi, Ravinder Singh and Satnam Singh @ Sattu have approached this Court by way of filing different petitions and they have been ordered to be released on regular bail vide orders dated 22.3.2018, 8.3.2018 and 9.8.2018, respectively.

Learned counsel for respondent-State has not disputed the custody period as well as grant of regular bail to co-accused but opposes grant of bail to the petitioner. He further contends that out of total 12 prosecution witnesses, 8 have been examined.

I have heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the parties and also the facts that the petitioner is in custody for the last more than one year; no other case under NDPS Act is there against the petitioner; under the similar circumstances co-accused mentioned above have been ordered to be released on bail; all remaining witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence, the present petition is allowed. Petitioner-Rajesh @ Banti is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 26, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No

