

Crl. Misc. No. M-20137 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-20137 of 2018

DATE OF DECISION:26.11.2018

Sukhdev Singh @ Pamma

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. A.S. Brar, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed by petitioner-Sukhdev Singh @ Pamma under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No. 215 dated 2.11.2017 registered under Section 22 of the NDPS Act at Police Station Moga City, District Moga.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. As per allegations in the FIR, the petitioner was found in possession of 270 gms of intoxicating powder, which as per report is Alprazolam. The bail petition filed by the petitioner before the trial Court was dismissed on the ground that provisions of Section 37 of NDPS Act are attracted. Learned counsel further contends that the petitioner is in custody since 2.11.2017 and there is no other case of NDPS Act against him. Learned counsel also

contends that out of total 12 prosecution witnesses, only 2 have been examined and trial may take long time to conclude. It is also the argument of learned counsel that remaining witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned counsel for respondent-State has not disputed the custody period, alleged recovery effected from the petitioner.

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

Admittedly the petitioner is in custody since 2.11.2017 and out of total 12 prosecution witnesses only 2 have been examined; no other case of NDPS Act is there against the petitioner; 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. Petitioner-Sukhdev Singh @ Pamma 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