

CrI. Misc. No. M-20832 of 2018 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CrI. Misc. No. M-20832 of 2018 (O&M)

DATE OF DECISION:07.12.2018

Jagdish Singh @ Deesha

.....Petitioner

Versus

State of Punjab

....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Raman Goklaney, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Jagdish Singh @ Deesha for grant of regular bail to him in case FIR No. 204 dated 28.7.2017 registered under Sections 21/61/85 of NDPS Act (Section 66D and 66F of IT Act added subsequently) at Police Station Sadar, Ferozepur.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. The petitioner was picked up from his house and false recovery has been planted upon him. Learned counsel further contends that no independent witness was joined at the time of alleged recovery, whereas, search was conducted on the basis of secret information. The mandatory provisions of NDPS Act

have not been followed and no other case is there against the petitioner. Learned counsel also contends that the petitioner is in custody from 28.7.2017 and even a single witness has not been examined so far. All the 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 stage of the trial, custody of the petitioner and also the fact that no other case is there against him.

Without expressing anything on the merits of the case and keeping in view the facts that the petitioner is in custody since 28.7.2017; no other case is there against him; the trial may take some time to conclude and even a single witness has not been examined and also all the witnesses are official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed. Petitioner-Jagdish Singh @ Deesha is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

December 07, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No