

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

211

CRM-M-21540-2018 (O&M)

Date of Decision: 17.09.2018

DAVID MASIH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL.

Present:- Mr. K.B. Raheja, Advocate,
for the petitioner.

Mr. J.S. Walia, Sr. DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

1 Petitioner seeks regular bail in case FIR no.63 dated 30.01.2018, registered at Police Station Sadar Jagraon, District Ludhiana under Sections 21 and 22 of the NDPS Act, 1985, 25 of the Arms Act, 1959 and Sections 379, 411 and 506 of IPC.

2 Learned counsel for the petitioner submits that the petitioner was arrested on 05.02.2018 on the allegation that he was also member of the gang and no recovery has been effected from him and that the investigation is complete. There is no other criminal case pending against the petitioner and thus, regular bail may be granted to him.

3 The prayer is opposed by learned State counsel on the ground that on the date of arrest of the petitioner, five grams of heroin was recovered from him resulting in registration of FIR No. 78, under Section 21 of the NDPS Act, 1985. That apart, the petitioner was also part of the gang and is involved in drug peddling, sale thereof and extortion. Threats have been held out to police officials as well and Section 67 of the Information

Technology Act, 2000 has been added in the FIR.

4 Custody certificate dated 14.08.2018, prepared by Iqbal Singh Dhaliwal, Deputy Superintendent Central Jail, Ludhiana, has been filed in Court and is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

5 The investigation in this case is complete but the challan has still not been presented in Court, although the same has been prepared. No recovery has been effected from the petitioner in respect of the present FIR. Recovery of five grams of heroin on the date of arrest may have been planted as well. However, no opinion can be expressed thereupon.

6 Keeping in view the fact that the trial is not likely to be concluded at an early date and that apart from FIR No. 78 dated 05.02.2018, there is no other criminal case pending against the petitioner, I deem it appropriate to release the petitioner on regular bail.

7 Accordingly, petition is allowed and petitioner-David Masih is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

September 17, 2018
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No