

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-22257 of 2018

DATE OF DECISION:16.10.2018

Kuljinder Singh @ Jogi and another

.....Petitioners

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Rohit Bedi, Advocate for
Mr. Ankit Aggarwal, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioners, namely, Kuljinder Singh @ Jogi and Navdeep Singh @ Nandu in case FIR No. 110 dated 30.6.2017 registered under Section 15 of NDPS Act at Police Station Garhshankar, District Hoshiarpur.

Learned counsel for the petitioners contends that the petitioners have falsely been implicated in this case, whereas, they are not involved. As per allegations in the FIR, three bags of poppy husk weighing 30 kgs each were recovered from the petitioners. Learned counsel further contends that no sample was drawn from each bag and mandatory provisions of the NDPS Act have not been followed. There are total ten prosecution witnesses

and only two have been examined. The petitioners are in custody from the date of registration of the FIR i.e. 30.6.2017 and no other case under NDPS Act is there against the petitioners.

Learned counsel for respondent-State has not disputed the custody period as well as status of the trial. However, he submits that total ten prosecution witnesses are there, two have already been examined and the case before the trial Court is fixed for 22.10.2018.

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.

By considering the custody period of the petitioners, which is more than 15 months and the facts that no other case under NDPS Act is pending against the petitioners; three bags of poppy husk weighing 30 kgs each were recovered from both the petitioners; out of total ten prosecution witnesses only two have been examined; trial may take long time to conclude and no purpose would be served by keeping them behind the bars, the present petition is allowed. Petitioners, namely, Kuljinder Singh @ Jogi and Navdeep Singh @ Nandu are directed to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of trial Court.

October 16, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No