

Crl. Misc. No. M-24502 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-24502 of 2018

DATE OF DECISION:29.08.2018

Binderpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Binderpal Singh in case FIR No.115 dated 7.12.2017 registered under Sections 22/61/85 of NDPS Act at Police Station Sadar Malout, District Sri Muktsar Sahib.

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 along with one Amandeep Singh was apprehended on a motorcycle, which was not having any number. The recovery has been shown to be effected from the polybag lying between petitioner and co-accused. It is also the allegation in the FIR that the accused have failed to produce any licence or permit. Learned counsel further contends that the tablets, which have been recovered from the petitioner are manufactured drugs and are easily available in the medical

store and the same falls under the Drugs and Cosmetics Act, 1940. As per chemical examiner report, 126 gms of Alprazolam has been found to be recovered, which is marginally more than the commercial quantity. There is no other case against the petitioner. The petitioner has undergone custody of more than eight months. All the witnesses are official witnesses. At the end, learned counsel for the petitioner contends that under similar circumstances, accused Raja Singh, Prempal Singh and Paramjit Singh @ Kala have approached this Court by way of filing Crl. Misc. Nos. M-33128 of 2017, 26869 of 2018 and 17714 of 2018, respectively and have been released on regular bail.

Learned counsel for respondent-State has not disputed the custody period and recovery effected from the petitioner but opposed grant of regular bail to the petitioner.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that the petitioner is in custody for the last more than eight months; there is no other case against the petitioner; recovery is marginally more than the commercial quantity; all the 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-Binderpal Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

August 29, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No