

Crl. Misc. No. M-28192 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-28192 of 2018

DATE OF DECISION:31.07.2018

Ameer Chand @ Bittu Maini

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. PS Sekhon, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The prayer in the present petition is for grant of regular bail to petitioner-Ameer Chand @ Bittu Maini in case FIR No. 65 dated 19.3.2018 registered under Section 18/61/85 of NDPS Act at Police Station City Ferozepur, District Ferozepur, during pendency of the trial.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and he has been implicated in this case only on the basis of statement made by co-accused-Gurwinder Singh, wherein, he has stated that the petitioner purchased 1 kg 500 grams of opium from him. The house of co-accused-Gurwinder Singh was raided and recovery was effected from his house. Learned counsel further contends that the petitioner is not involved in any other case of NDPS Act.

Learned counsel for respondent-State has filed custody certificate in Court today and the same is taken on record.

As per custody certificate, there is no other case pending against the petitioner. The custody period has not been disputed by learned State counsel, however, he opposes grant of regular bail to the petitioner on the ground of seriousness of offence.

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.

Admittedly, the FIR was registered on the basis of secret information and recovery has been effected from the house of co-accused- Gurwinder Singh. The petitioner has been implicated in this case only on the basis of statement made by co-accused. The petitioner is in custody since 18.4.2018 and trial may take take some time to conclude and no purpose would be served by keeping him behind the bars.

Accordingly, the present petition is allowed and petitioner- Ameer Chand @ Bittu Maini is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

July 31, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No