

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29494-2018 (O&M)

Date of decision:28.11.2018

Madan Lal @ Maddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The second petition has been filed for seeking bail pending trial in FIR No. 155 dated 27.08.2017 for the offences punishable under Section 15 of NDPS Act, registered at Police Station Bhogpur, District Jalandhar.

The first petition filed by the present petitioner was dismissed as withdrawn on 01.02.2018. However, despite passage of still further time, the trial has not been completed. Therefore, the present petition has been filed by the petitioner.

It is contended by the counsel for the petitioner that the petitioner was not arrested on the spot. There is no recovery from the petitioner. The name of the petitioner is not mentioned in the FIR. He has been sought to be involved on the basis of the alleged disclosure statement of the co-accused. However, besides the disclosure statement, there is no other evidence to connect the petitioner to the crime in this case. It is further contended that the petitioner is in custody since 03.11.2017 and he is not required for any investigation purposes. Out of total 15 witnesses in this case, none has been examined so far.

On the other hand, learned State counsel submits that the person, who was arrested with the poppy husk, has stated that he was going to supply the part of the same to the present petitioner. He further contended that there have been six more cases against the petitioner. Hence, the petitioner does not deserve any concession of bail pending trial.

In response to this, counsel for the petitioner contends that in the above mentioned six cases, the petitioner has already been acquitted in four cases. In two cases, the petitioner was sentenced with a short duration imprisonment, which the petitioner has already undergone. As on today, except the present case, no other case is pending against him.

In view of the above submissions made by counsel for the petitioner, but without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

28.11.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No