

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-30036 of 2017 (O&M)

DATE OF DECISION:11.10.2018

Kulwinder Singh @ Raman

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Himmat Deol, Advocate and
Mr. D.S. Sidhu, 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 in case FIR No. 99 dated 20.7.2016 registered under Section 21/29/61/85 of NDPS Act at Police Station Gharinda, District Amritsar Rural.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was implicated in this case on the basis of disclosure statement made by co-accused-Rajpal Singh @ Raja. The petitioner was nominated as accused on 20.7.2016, whereas, he was shown to be arrested on 23.7.2016 and false recovery of 700 gms of heroin was planted upon him. Learned counsel further contends that neither any independent witness nor the local police was joined at the time of raid, search and arrest of the petitioner even when the place was thickly populated area. The disclosure statement was recorded at Amritsar,

whereas, the recovery was shown to be effected from Ferozepur. Learned counsel also contends that the petitioner is in custody since 23.7.2016, whereas, main accused-Rajpal Singh @ Raja has already been released on regular bail. Out of total 16 prosecution witnesses, only 6 have been examined, trial will take long time to conclude and no purpose would be served by keeping the petitioner behind bars. It is also the argument of learned counsel that remaining witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence.

Learned counsel for respondent-State contends that out of total 16 prosecution witnesses, 6 have been examined, 4 have been given up and investigating officer of the case has died during pendency of the proceedings.

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 petitioner has been implicated in this case on the basis of disclosure statement made by co-accused-Rajpal Singh @ Raja, who has already been released on regular bail, the petitioner is in custody for the last more than two years and trial may take long time to conclude, the present petition is allowed. Petitioner-Kulwinder Singh @ Raman is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 11, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes