

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

CRM M-350 of 2018.

Date of Decision: 06.02.2018.

Manjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sahil Puri, Advocate,
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab
assisted by ASI Mahinderpal Singh.

JITENDRA CHAUHAN.J.(ORAL)

This is third bail application filed under Section 439

Cr.P.C seeking bail in case FIR No.03 dated 21.01.2016 registered under
Section 15 of NDPS Act, 1985 at Police Station Nurmahal, District
Jalandhar.

Learned counsel for the petitioner contends that the
petitioner, who does not have any criminal antecedents, has been falsely
implicated in the present case and the version projected by the prosecution
is highly improbable. The recovery in question i.e. 5 bags of poppy husk
weighing 20 kg was effected from the rear seat of Innova car driven by the
petitioner along with two other occupants and the remaining 15 bags
weighing 20 kg each was recovered from the truck following Innova car.
The petitioner is not owner of the truck. There was no reason for him to
keep the poppy husk in his vehicle. As per the FIR, two occupants of the car
allegedly ran away in the presence of the police. There is no mention that
they were chased or not. However, he largely stresses on delay in trial. Till
date, only three witnesses out of 16 have been examined.

On the other hand, the learned State counsel opposes the bail application. However, she acknowledges the factum of custody and the fact that the petitioner is not involved in any other FIR. The custody certificate is taken on record as Mark-A.

Heard.

Keeping in view the facts that the petitioner is not involved in any other FIR; the period of custody; the long incarceration of the petitioner is a circumstance in favour of the petitioner and keeping in view the fact that 13 PWs are yet to be examined, the Court feels that the trial is not likely to be concluded in near future and the petitioner cannot be kept in incarceration for indefinite period for inaction of the State. Thus, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and two local sureties to the satisfaction of trial Court/duty Magistrate concerned.

However, the petitioner shall surrender his passport and shall not leave the country without written permission of the Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.02.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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