

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3677-2018 (O&M)
Date of decision: 06.04.2018

Tej Partap Singh @ Partap Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.333 dated 18.08.2017 under Sections 21/25 of NDPS Act, registered at Police Station Butana, District Karnal.

Learned counsel for the petitioner submits that the petitioner is nominated as an accused in this case/FIR after 40 days, on the disclosure statement made by co-accused Sukhdayal Singh @ Rinku, who has already been granted the concession of regular bail vide order dated 24.01.2018 passed in CRM-M-1024-2018. It is further submitted that the petitioner has been falsely implicated in this case/FIR on account of a litigation going on between father of the petitioner and some police officials. The father of the petitioner has already filed a protest petition before the Chief Judicial Magistrate, Kurukshetra and the same is pending.

Learned counsel for the petitioner further submits that the petitioner is on bail in other FIRs and it will be a debatable issue whether the disclosure statement made by co-accused, after long time of 40 days, will be admissible in evidence against the petitioner. It is further submitted that charges are yet to be framed and it will take long time in conclusion of the trial. It is also submitted that recovery from the petitioner is of non-commercial quantity.

Learned State counsel has filed the custody certificate of the petitioner and as per this custody certificate, the petitioner is on bail in five other FIRs. Learned State counsel, on instructions from ASI Kulwant Singh, has submitted that challan has been presented and charges are yet to be framed.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lockup since 19.10.2017; his co-accused Sukhdayal Singh @ Rinku, on whose disclosure statement the petitioner was arrested, has already been granted the concession of regular bail; recovery from the petitioner is of non-commercial quantity; investigation is complete, challan has been presented but the charges are yet to be framed and it will take some time in conclusion of the trial, present petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

06.04.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No