

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-38291 of 2018

DATE OF DECISION:21.12.2018

Darshan Singh @ Darshi

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Kushaldeep S. Sandhu, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Darshan Singh @ Darshi for grant of regular bail to him in case FIR No. 116 dated 6.8.2016 registered under Sections 15/25 of NDPS Act at Police Station Sadar Jagaron.

Learned counsel for the petitioner contends that as per allegations in the FIR, petitioner and co-accused were apprehended along with a truck from which 32 bags of poppy husk containing 40 kgs each were recovered. Learned counsel further contends that the petitioner is neither owner of the truck nor driver and has been implicated in this case without having any connecting evidence. No independent witness was joined at the time of alleged recovery. Learned counsel also contends that the complainant and the investigating officer of the case is one and the

same person. The recovery was not effected in the presence of Gazetted Officer or Magistrate. The petitioner is in custody for the last more than two years and no other case under NDPS Act is there against the petitioner. All the witnesses are official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned counsel for respondent-State has not disputed custody period as well as the fact that there is no other case against the petitioner.

Without commenting anything on the merits of the case and keeping in view the custody, which is more than two years and also the facts that there is no other case of NDPS Act against the petitioner; all the witnesses are official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed. Petitioner-Darshan Singh @ Darshi is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

December 21, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No