

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

CRM-M No.42912 of 2018

Date of Decision: 16.11.2018

Jatinder Singh @ Kaku

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Amrit Singh Kang, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

DAYA CHAUDHARY, J.

Petitioner-Jatinder Singh @ Kaku has approached this Court by way of filing the present petition under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.114 dated 12.10.2017 registered under Sections 307, 482, 115, 120-B IPC, 25 of the Arms Act, 1959 and Section 22 of the NDPS Act, 1985 at Police Station Hariana, District Hoshiarpur.

Learned counsel for the petitioner submits that the name of the petitioner has not been mentioned in the FIR and he has falsely been implicated in the case. No recovery was effected from him. The petitioner has been implicated in the case only on the basis of disclosure statement made by co-accused Amrit Singh @ Amrit. Petitioner is in custody for the last more than one year. Co-accused of the petitioner, namely, Hemank Joshi, Chetan Sharma, Attinder Pal Singh and Tejinder Singh @ Honey have been released on regular bail vide orders dated 28.05.2018,

01.06.2018, 24.08.2018 and 14.09.2018, respectively. There is no other case of NDPS Act pending against the petitioner.

Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file including the orders passed in the case of co-accused.

By considering the custody and the fact that co-accused of the petitioner have been released on regular bail; the name of the petitioner was not mentioned in the FIR; no role has been attributed to him; the fact that no other case under the NDPS Act is pending against him; all witnesses are the official witnesses and there is no possibility that the petitioner may tamper with the evidence, the present petition is allowed and petitioner, namely, Jatinder Singh @ Kaku is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

16.11.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No