

Crl. Misc. No. M-43271 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-43271 of 2018

DATE OF DECISION:07.12.2018

Jaswinder Singh @ Ghuddu @ Bua

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Ms. Samina Dhir, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. for grant of regular bail has been filed by petitioner-Jaswinder Singh @ Ghuddu @ Bua in case FIR No. 91 dated 5.12.2017 registered under Section 15 of NDPS Act, 1985 at Police Station Bhaini Mian Khan, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. The alleged recovery has been planted upon the petitioner just to save the real culprits. As per case of the prosecution, the petitioner was travelling in a truck from which 6 bags of poppy husk were recovered. Learned counsel further contends that recovery was not effected from the personal possession of the petitioner and he was not aware as to whether anything

was there in the truck or not as he is neither the owner nor helper or even driver of the truck. The police party has not made any efforts to know as to who was the owner of the truck from which recovery has been effected. The petitioner is in custody since 5.12.2017 and there is no other case of NDPS against him. Co-accused of the petitioner, namely, Ahok Kumar has been released on regular bail by this Court vide order dated 31.8.2018 passed in Crl. Misc. No. M-12570 of 2018.

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

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 record.

By considering that the petitioner is in custody since 5.12.2017 and also the facts that co-accused of the petitioner, namely, Ashok Kumar has been released on regular bail; all the witnesses are official and there is no possibility that the petitioner may influences the witnesses or tamper with the evidence, the present petition is allowed. Petitioner-Jaswinder Singh @ Ghuddu @ Bua is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

December 07, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No