

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

CRM-M No.45006 of 2018

Date of Decision: 28.11.2018

Satnam Singh @ Karodi

....Petitioner

Versus

State of Punjab

...Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Akshay Kumar Goel, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.114 dated 12.10.2017 registered under Sections 307, 482/34 IPC (Sections 115 and 120-B IPC added later on), Section 22 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959 at Police Station Hariana, Tehsil and District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. Learned counsel also submits that the police party has fabricated a false story to register the present case, whereas, as per contents of the FIR, no offence is made out under Section 307 IPC and has been added just to make the offence more serious. The offence under Section 307 IPC has been made only on the basis of intention and knowledge of the accused but apart from intention, nothing is there. Learned counsel also submits that provisions of Sections 50, 52, 55 and 57 of the NDPS Act, 1985 have not been followed. As per Forensic Science Laboratory report, the quantity is 0.12% in 05 gms. of the alleged intoxicant material and the chemical

Alprazolam does not fall in the list of Narcotic Drug or Psychotropic Substnace. Learned counsel also submits that even no offence is made out under Section 25 of the Arms Act, 1959 as no ballistic report has been filed by the police party and the alleged pistol recovered from the possession of the petitioner is planted one. The petitioner is in custody since 12.10.2017. All witnesses are official and there is no possibility that the petitioner may influence the complainant police personnel and no useful purpose would be served by keeping him in custody. Charges have been framed and the case is fixed for examination of witnesses.

Learned State counsel has not disputed the custody period and the stage of trial. However, he has opposed the submissions made by learned counsel for the petitioner.

Keeping in view the submissions made by learned counsel for the petitioner; the custody and the stage of trial and also the fact that there is no possibility that the petitioner may influence the witnesses and tamper with the evidence, the present petition is allowed and petitioner, namely, Satnam Singh @ Karodi is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

28.11.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No