

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.47194 of 2017

Date of decision : 28.05.2018

Hemank Joshi

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Hitesh Verma, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.114 dated 12.10.2017 under Sections 307/482/34 of the Indian Penal Code, 1860 (for short – 'the IPC'), Section 25 of the Arms Act and Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'the NDPS Act') registered at Police Station Haryana, Distt. Hoshiarpur, during pendency of the trial.

Learned counsel for the petitioner submits that name of the petitioner was not mentioned in the FIR and he has been implicated only on

the basis of disclosure statement made by the co-accused. Learned counsel further submits that as per case of the prosecution, the petitioner was arrested on 12.10.2017 and since then he is in custody. CCTV footage as well as the photographs clearly shows that the petitioner and another accused namely Chetan were present on a scooty on 10.10.2017 at 05:15 p.m. and the police officials came in civil dress and picked up the petitioner. The petitioner has been implicated for ulterior motive and with *mala fide* intention. Learned counsel also submits that the family members of the petitioner sent a representation to the Commissioner of Police on 11.10.2017 and a complaint was also made through email to Commissioner of Police, Ludhiana as well as other higher police officers and to Punjab Human Rights Commission. At the end, learned counsel for the petitioner submits that it could not be presumed that the petitioner was going to the arrested or involved in a case when the parents of the petitioners were well aware and made communications. Nothing is to be recovered from the petitioner.

On perusal of the reply filed by the respondent-State, it shows that the averments made in the petition have not been denied. The present case is also under Arms Act/NDPS Act and no other case is pending against the petitioner and he is in custody since 12.10.2017. All the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them.

Accordingly, the present petition is allowed and petitioner namely Hemank Joshi is directed to be released on regular bail on

furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

28.05.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No