

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-48228 of 2018

Date of Decision: November 13, 2018

Karajpal @ Karaj

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. K.S. Sandhu, Advocate
for the petitioner

Mr. A.S. Gill, AAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 63 dated 30.01.2018 under Section 22 of the NDPS Act, 1985, Section 25 of Arms Act, 1959 and Sections 379, 411, 506 IPC registered at Police Station Sadar Jagraon, District Ludhiana (Rural).

Learned counsel for the petitioner submits that the petitioner has been in custody since 30.01.2018. The investigation is complete but the examination of PWs has not yet started. The petitioner does not have any criminal antecedents and co-accused Gurjeet Singh @ Gopi has been granted regular bail and the petitioner may also be granted the same concession.

Custody certificate dated 13.11.2018 prepared by Sh. Iqbal Singh Dhaliwal PPS, Deputy Superintendent, Central Jail, Ludhiana, has been filed in the Court today and the same is taken on record.

According to this certificate, the petitioner has undergone actual custody of nine months and nine days. There is no other criminal case pending/decided against the petitioner.

Learned State counsel opposed the prayer for bail on the ground that apart from fire arm, 500 grams of Heroine was also recovered from the petitioner.

However, no drug was recovered from co-accused Gurjeet Singh @ Gopi.

In rebuttal, learned counsel for the petitioner submits that the petitioner was picked up from his home alongwith Gurjeet Singh @ Gopi, as is evident from Annexure P-6 (complaint made to the police on Toll Free Number). It is, thus, apparent that the petitioner has been falsely implicated.

The examination of PWs has not yet started and, thus, the trial is not likely to be concluded at an early date. The petitioner has been in custody for over nine months and, therefore, it would be just and appropriate to release him on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

November 13, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No