

Crl. Misc. No. M-49202 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-49202 of 2018

DATE OF DECISION:15.12.2018

Bohar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.S. Sekhon, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

DAYA CHAUDHARY, J.

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.45, dated 03.04.2017, registered under Section 15 of NDPS Act at Police Station City Samana, District Patiala.

Learned counsel for the petitioner submits that petitioner has been implicated being conductor of the vehicle whereas he was not involved in any manner. Petitioner has been shown to be sitting on the conductor's seat. Challan has been presented and thereafter charges have been framed. Out of total eleven witnesses, five have been examined and three have been given up. Petitioner is in custody since 03.04.2017. All witnesses are official witnesses and there is no possibility that petitioner may influence

the witnesses and tamper with the evidence. There is no other case of NDPS Act against the petitioner. Co-accused Harcharan Singh @ Charna has been released on regular bail vide order dated 26.10.2018 passed in Crl. Misc. No. M-38168 of 2018.

Learned State counsel has not disputed the custody period as well as stage of the trial.

Keeping in view the facts that the petitioner is in custody since 03.04.2017; all witnesses are official witnesses; there is no possibility that petitioner may influence the witnesses or tamper with the evidence; there is no other case of NDPS Act against the petitioner and that the co-accused has already been released on regular bail, the petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

December 15, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No