

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5299-2018
Date of decision: 05.07.2018

Harbans Singh @ Raju

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.38 dated 22.04.2017 under Sections 15/61/85 of NDPS Act, registered at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner submits that the petitioner is in judicial lockup since 16.08.2017 and he was not apprehended at the spot. It is further submitted that the petitioner is the first offender and is not involved in any other case under the NDPS Act and even the car, from which the recovery was effected, do not belong to the petitioner, as he is not owner of the same. Counsel for the petitioner further submits that the petitioner was involved in the present FIR on the statement of one Geeta Rani wife of Jagtar Singh that he has borrowed the car, which is in the name of Jagtar Singh.

Learned counsel for the petitioner has further submitted that out of

total 18 prosecution witnesses, only four have been examined so far and conclusion of the trial will take long time.

Learned State counsel has however opposed the prayer for bail on the ground that recovery is of commercial quantity and one Constable Gurmeet Singh has identified the petitioner at the spot.

In reply, learned counsel for the petitioner has submitted that since the petitioner is not involved in any other case, it will be a debatable issue whether the said Constable Gurmeet Singh was known to the petitioner, to be decided during the course of trial.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lockup since 16.08.2017; he was not arrested at the spot; he is not registered owner of the car; he is not involved in any other case and also in view of the fact that out of 18 PWs, only four PWs have been examined so far, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail bonds and two sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

05.07.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No