

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
2018.03.07 09:26
I attest to the accuracy and
integrity of this document

CRM-M-8810-2018(O&M)
Date of decision: 06.03.2018.

Navdeep Singh @ Bakshi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 339 dated 05.12.2014 under Sections 22 and 61 of the NDPS Act, registered at Police Station Sultanwind, District Amritsar City.

Learned counsel for the petitioner submits that the petitioner, on the basis of disclosure statement of co-accused -Ajay Kumar, was involved in the present FIR and was later on, arrested.

Learned counsel for the petitioner further submits that the prosecution has moved an application for discharge of the petitioner, however, the same was dismissed vide order dated 03.02.2018 and on the same day, the interim bail granted to the petitioner was also dismissed. Learned counsel for the petitioner further submits that the sentence of the petitioner has already been suspended vide order dated 01.02.2018, passed in CRM-29052-2016 in CRA-S-5372-SB-2014 with regard to another case i.e. FIR No.84 dated 17.04.2013 under Section 21 of the NDPS Act, registered at Police Station Sultanwind, District Amritsar City and the petitioner has not misused the concession of interim bail.

Learned State counsel has filed the custody certificate and as per this certificate, the petitioner is in custody for about 10 months and 14 days. It is further submitted on behalf of the petitioner that challan qua co-accused-Ajay Kumar has been presented and the prosecution evidence is yet to be started.

Without commenting on the merits of the case, considering the fact that the sentence of the petitioner in FIR No.84 has already been suspended; the petitioner was arrested on the basis of disclosure statement made by co-accused; the prosecution itself had moved an application for discharge of the petitioner, however, the same was dismissed by the trial Court; the petitioner is in judicial custody in this case for the last about 10 months and 14 days as an under trial, the present petition is allowed. Petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

06.03.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No