

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

217

CRM-M-8285-2019 (O & M)

Date of Decision:17.05.2019

Madan Chopra @ Makhan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.95 dated 21.05.2016, under Section 22 of NDPS Act, registered at Police Station City, District Kapurthala.

Petitioner is in custody in this case since his arrest on 21.05.2016. The FIR was registered on the statement of ASI Balwinder Singh, wherein it was alleged that during the interrogation of the petitioner in case FIR No.260 dated 25.10.2015 under Sections 307, 452, 323, 324, 506, 336, 148, 149 IPC and Sections 25, 54, 59 of the Arms Act registered at Police Station City, Kapurthala suffered a disclosure statement that he started indulging in sale of intoxicant substance and he sold lot of intoxicant

substance and the remaining substance is wrapped in the polythene envelop and kept near the bridge which goes from cremation ground to training centre. On the said disclosure, 250 grams of intoxicant powder was recovered.

Learned counsel for the petitioner contends that the entire case set up by the prosecution is without any basis as the petitioner was already in custody in some other case and the alleged recovery is from an open space which is accessible to everyone. Learned counsel for the petitioner further contends that till date not even a single witness has been examined out of 7 witnesses and the trial is likely to consume some time.

On the other hand, learned State counsel assisted by ASI Gurmail Singh has opposed the bail application on the ground that the petitioner is already accused in approximately 20 cases. In four cases, he is not found involved and other cases are either pending investigation or where the trial is pending. It is not disputed that there is no other case of similar nature against the petitioner.

Considering the case set up by the prosecution, and the fact that the trial is likely to consume some more time, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

17.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No