

Crl. Misc. No. M-19903 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-19903 of 2018

DATE OF DECISION:08.02.2019

Buta Singh @ Boota Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ashok Saini, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to petitioner-Buta Singh @ Boota Singh in case FIR No. 15 dated 20.2.2018 registered under Section 21,61,85 NDPS Act at Police Station Valtaha District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case. The alleged recovery is marginally more than the non-commercial quantity. There is a violation of Sections 50,42,52 (A) of the NDPS Act. Learned counsel further contends that no independent witness was joined at the time of alleged recovery. The petitioner is in custody for the last approximately one year.

Learned counsel for respondent-State has opposed the bail on the ground that alleged recovery is commercial and eleven more cases are there against the petitioner, out of which, in one case of NDPS, he is not on bail, whereas, in remaining ten cases, he has been acquitted. Learned State counsel also contends that compliance of mandatory provisions can be seen during trial.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on file.

Admittedly, the petitioner is in custody for the last approximately one year as he was arrested on 21.2.2018. In the short affidavit filed in Court today, it has been mentioned that ten cases were registered against the petitioner but only details of two cases have been given. As per affidavit, in case FIR No. 123 dated 28.8.2017 registered under Sections 406 and 420 IPC at Police Station Dehloan, District Ludhiana Rural, the petitioner has been acquitted and in FIR No. 44 dated 3.4.2013 registered at Police Station Sarhali, District Tarn Taran, the petitioner has joined the investigation.

By considering the custody of the petitioner from the last approximately one year and also the fact that all the witnesses are official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed. Petitioner-Buta Singh @ Boota Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner is found to

be involved in any other case under NDPS Act, State is at liberty to move an application for cancellation of bail.

February 08, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No