

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-34257 of 2017

DATE OF DECISION:10.01.2019

Bal Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. KB Raheja, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to petitioner-Bal Ram in case FIR No. 20 dated 7.3.2017 registered under Section 22 of NDPS Act at Police Station Bahawal Abohar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. There was old rivalry between the petitioner and complainant. No independent witness was joined at the time of recovery and search was also not conducted in the presence of any gazetted officer. Learned counsel further submits that as per allegations made in the FIR, three types of tablets i.e. Digifresh, Prozolam and Trieser have been recovered from the petitioner but charges have been framed only qua Digifresh and Prozolam only as tablets Trieser does not come within the purview of NDPS Act. Learned counsel also submits that nothing is to be recovered from the petitioner and

he is in custody for the last one year and ten months. There is no other case of NPS Act against the petitioner. Only two witnesses have been examined and trial may take long time to conclude.

Learned counsel for respondent-State has not disputed the custody period as well as the fact that no other case under NDPS Act is there against the petitioner. It is also not disputed that charges have been framed qua to parcel Nos. 1 and 2 only and not against tablets mentioned in parcel No.3, however, he has opposed grant of regular bail to the petitioner on the ground of recovery, which is commercial in nature.

Without commenting anything on the merits of the case and keeping in view the custody of one year and ten months as well as the facts that no other case of NDPS Act is there against the petitioner; out of total eleven witnesses, only two have been examined; remaining witnesses are official and there is no possibility that the petitioner may influence them or tamper with the evidence; trial may take long time to conclude and no purpose would be served by keeping him behind the bars, the present petition is allowed. Petitioner-Bal Ram is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

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

January 10, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No