

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

**CRM-M No. 37385 of 2018
Date of Decision:-26.08.2019**

James William

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Dhruv Sihag, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner James William has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.5 dated 18.2.2018, under Sections 21, 29/61/85 of NDPS Act and Section 14 of Foreigners Act, 1946, registered at Police Station STF, Phase-4, SAS Nagar, Mohali. The petitioner is in custody since his arrest on 18.2.2018.

As per FIR, on 18.2.2018, petitioner James William along with two other boys, namely, Paramvir Singh @ Pam and Gurtej Singh @ Teji was going in a car bearing No.PB-65U-6325 make XUV Mahindra towards Landra from Delhi from the side of Banud. On the basis of secret information, they were intercepted in the area of Mohali by the police party

and during their personal search 40 grams heroin was recovered from Gurtej Singh @ Teji, 50 grams heroin from Paramveer Singh and 60 grams heroin was recovered from James William.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further submits that the petitioner had actually been arrested from Delhi but falsely shown arrested from Mohali. He further contends that 60 grams of heroin is alleged to have been recovered from the petitioner, which falls under non-commercial category. The petitioner is in custody for the last about 1-½ years. It is further pleaded that trial of the case is likely to take long time and no useful purpose will be served by keeping the petitioner behind the bars.

On the other hand, learned State counsel on instructions from ASI Sarwan Singh apprised the Court that the prosecution has discharged the onus and the case is fixed for recording the explanatory statement of accused under Section 313 Cr.P.C. for 07.9.2019.

Considering the stage of the trial, no ground for grant of bail to the petitioner is made out.

Dismissed.

August 26, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No