

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Sr. No.215

CRM-M-40774 of 2018

DECIDED ON: January 23, 2019

ROOPA @ BOOTA

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. K.K. Thakur, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 89 dated 21.07.2016 registered under Section 22 of the NDPS Act, 1985 and Section 382 IPC at Police Station Cantt Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that the present case has been planted upon the petitioner as is evident from the fact that the petitioner was already in custody when the present FIR was registered. Further, the petitioner has been in custody for more than 01 year and there are no other cases under the NDPS Act pending against him. The investigation is complete. The charges have still not been framed. The trial is not likely to be concluded at an early date. Thus, the petitioner deserve to be released on regular bail.

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Custody certificate dated 22.01.2019, prepared by Sh. Jiwan Thakur, Deputy Superintendent, Central Jail, Ferozepur, has been filed by learned State counsel today in Court. The same is taken on record. A perusal thereof shows that the petitioner has been in custody for 01 year and 29 days. There are no other cases under the NDPS Act pending or decided against him. The custody certificate also shows that in FIR No. 106, dated 12.06.2015, registered at Guruharsahai, under Sections 382, 34 IPC, the petitioner was in custody from 28.07.2015 to 24.12.2016. Thus, the contention of learned counsel for the petitioner that the present FIR has been registered against him on a date when he was already in custody appears to be correct.

In view of above, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned, at Ferozepur.

January 23, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No