

Crl. Misc. No. M-41572 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-41572 of 2018

DATE OF DECISION:29.01.2019

Dilawar Singh @ Dilor

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Satwant Mehta, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

DAYA CHAUDHARY, J.

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

Learned counsel for the petitioner contends that recovery was effected from pocket of co-accused and not from personal possession of the petitioner. The petitioner has been shown to be driving the motorcycle. There is no other case under NDPS Act against the petitioner and he is in custody since 20.2.2018. All the witnesses are official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned counsel for respondent-State has not disputed the

custody period as well as other submissions made by counsel for the petitioner with regard to driving of the motorcycle by the petitioner and recovery from co-accused.

Learned State counsel has filed latest custody certificate in compliance of order dated 10.1.2019 but there is no mention of other cases. He submits that three more cases are there against the petitioner but in one case, he has been declared innocent and other two cases have been cancelled and because of this reason reference of those cases has not been reflected in the custody certificate.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that the petitioner has been shown to be driving the motorcycle; he is in custody since 20.2.2018; no other case under NDPS Act is there against the petitioner; 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- Dilawar Singh @ Dilor is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

January 29, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No