

Crl. Misc. No. M-49372 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-49372 of 2018

DATE OF DECISION:29.01.2019

Satinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to petitioner-Satinder Kumar in case FIR No. 6 dated 20.3.2017 registered under Section 21/25/27-A/29 of NDPS Act, 1985 at Police Station Special Operation Cell, Amritsar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he has not played any role. The petitioner is neither owner of the vehicle nor recovery has been effected from his personal possession. The FIR was registered on the basis of secret information and recovery was effected from co-accused, who was sitting on the conductor seat. Learned counsel further contends that the car belongs to brother of co-accused-Ranjeet Singh, from whom, recovery was effected.

Learned counsel also contends that no other case under NDPS Act is there

against the petitioner and he is in custody for the last more than one year and ten months.

Learned counsel for respondent-State has not disputed the custody period as well as ownership of the vehicle. It is also not disputed that no other case under NDPS Act is there against the petitioner and he is in custody for the last more than one year and ten months.

By considering the custody of the petitioner, which is approximately one year and ten months and also the facts that recovery was effected from co-accused; the petitioner is not the owner of the car; 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-Satinder Kumar 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
Yes