

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

CRM-M No.52853 of 2018

Date of Decision: 13.05.2019

Harbhajan Singh alias Bhajan

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. I.P.S. Doabia, Addl. A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.327 dated 06.11.2017 registered under Section 22/25/61/85 of the NDPS Act, 1985 and later on offence under Sections 420/482 IPC has been added at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. As per allegations levelled in the FIR, the petitioner has been shown to have run away from the custody of the police and was not apprehended at the spot. Nothing was recovered from him. Co-accused of the petitioner, namely, Raj Kumar alias Raju has been released on anticipatory bail. Learned counsel also submits that the investigation of the case has been concluded and challan has been presented. All witnesses are the official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. No other case is there against the petitioner.

Even no evidence to connect the petitioner with the commission of offence has been collected during investigation. The petitioner is in custody since 23.06.2018.

Learned State counsel has not disputed the custody period as well as release of co-accused on bail but he submits that co-accused Raj Kumar alias Raju has been released being juvenile and the present petitioner cannot claim parity with him.

Heard the arguments of learned counsel for the parties and have also perused the allegations as mentioned in the FIR as well as other documents available on the file.

By considering the custody since 23.06.2018 and also the fact that the petitioner was not found present at the place of occurrence and nothing was recovered from him; he has been shown to have run away from the place of occurrence and arrested subsequently; nothing has been brought to the notice of this Court as to how the petitioner has been connected with the commission of offence; all witnesses are the official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence and no other case under the NDPS Act is there against the petitioner, the present petition is allowed and petitioner, namely, Harbhajan Singh alias Bhajan is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

13.05.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No