

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

222)

Crl. Misc. No.M-33988 of 2019 (O&M)

Date of Decision: 23.10.2019

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gursimran Singh, Advocate, for the petitioner.
Mr. APS Gill, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail'.

On October 15, 2019, the following order had been passed:-

“On learned counsel for the petitioner having pointed out that a pre-typed recovery memo has been filled in stating that nothing was recovered from the personal search of the petitioner, and therefore the whole story is cooked up, learned State counsel seeks time to call the 'recovering officer' and to take instructions in that regard.

On his request, adjourned to 23.10.2019.”

Today learned State counsel, on instructions from the police official who is present in Court to assist him, submits that the official who has recovered the contraband from the petitioner (as per the case of the police) is caught up with the wedding of his daughter.

Be that as it may, the petitioner is in custody since May 2019, with the trial effectively not having commenced as yet, and no prosecution

witnesses having been examined, with no other criminal case stated to be pending against the petitioner even as per the police official who is present in court today. Thus, keeping in view also what has been recorded by this court in the order dated October 15, 2019, I deem it appropriate to admit the petitioner to bail.

Consequently, without making any actual comment on the merits of the case, for or against the petitioner, this petition is allowed and the petitioner is ordered to be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

23.10.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: No