

Crl. Misc. No. M-39018 of 2019

Date of Decision: August 18, 2020

Rajan Bhandari @ Sheri

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Piyush Sharma, Advocate for the petitioner

Mr. Ramdeep Partap Singh, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 0075 dated 25.07.2019 registered under Section 22 of the NDPS Act, 1985, Section 25 of Arms Act, 1959 and Sections 420, 465, 467, 468, 471 IPC at Police Station Cantt. Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has been in custody since the date of registration of the FIR. Charges have been framed but examination of PWs has not yet commenced and, thus, the trial is not likely to be concluded at an early date. That apart, false implication is apparent on the face of the record as according to the FIR, the petitioner was found in possession of narcotic substance at 11.50 p.m. on 24.07.2019 leading to the registration of the present FIR. However, on the same day the petitioner was required to appear before the Judicial Magistrate 1st Class Ferozepur in some other case and an application had been filed on his behalf praying for exemption from personal appearance on the ground that he had been illegally picked up by the police a day earlier. Keeping in view the aforementioned facts, the petitioner deserves to be granted regular bail.

Learned State counsel opposes the prayer on the ground that there

are other pending cases against the petitioner. He, however, concedes that examination of PWs has not yet commenced. Regarding false implication, learned State counsel has no reply.

It is, thus, evident that the trial is not likely to be concluded at an early date and that the petitioner has been in custody for over one year. From the aforementioned facts narrated by counsel for the petitioner, false implication can not be ruled out and, thus, I deem it appropriate to grant regular bail to the petitioner.

Accordingly, 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/Duty Magistrate concerned.

August 18, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No