

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37089-2020 (O&M)

Date of Decision:- 25.2.2021

Liyakat Ali

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarju Puri, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Ranjit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.34, dated 7.7.2009, Police Station Kathgarh, District SBS Nagar, under Section 20 of NDPS Act.
2. As per the case of prosecution, on 7.7.2009 when the police party had held *nakabandi*, then a black coloured motorcycle on which three persons were riding was seen and the driver of the said motorcycle

upon noticing the police party tried to turn back but the police was able to apprehend two of the said riders while the 3rd one managed to escape. The driver of the said motorcycle disclosed his name as Pardeep while the other person disclosed his name as Birbal and the said persons disclosed the name of the 3rd person who had escaped as Liyakat Ali (petitioner). It is further the case of prosecution that upon search of the aforesaid two apprehended persons Pardeep and Birbal, 6 kgs of 'Charas' was recovered.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and was never ever present or arrested at the spot.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner was disclosed by his co-accused at the very moment when they were apprehended by the police, his complicity is clearly evident. It has further been pointed out that the petitioner had earlier been declared a 'Proclaimed Offender' in the year 2012 and it was subsequently on 23.7.2020 that he surrendered before the police and that as such he does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was not arrested at the spot and has been nominated by his co-accused and while also noticing that the petitioner as on date has been behind bars since the last about 7 months and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be

released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 25, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No