

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM No.M-29824 of 2014

Date of decision : 7.1.2015

Rajesh Kumar @ Raju

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Saurabh Arora, Advocate for the petitioner.

Mr.J.S.Sekhon, AAG Punjab for the State.

Mehinder Singh Sullar, J. (Oral)

The petitioner has preferred the instant petition, for the grant of concession of regular bail, in a case registered against him, vide FIR No.100 dated 15.6.2014 (Annexure P1), on accusation of having committed an offence punishable under section 22 of The Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter to be referred as “the NDPS Act”) by the police of Police Station City-1, Abohar, District Fazilka.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.
4. At the very outset, the learned counsel for the parties are ad idem that the salt of Tramadol Hydrochloride recovered from the petitioner does not fall within the ambit of Schedule of the NDPS Act. Therefore, it becomes highly doubtful that petitioner has committed the indicated offence.

5. Moreover, the petitioner was arrested on 15.6.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Even since the charges have not yet been framed against the petitioner, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of facts & circumstances, emanating from the record, as depicted here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his filing a specific affidavit that he will not indulge in any such illegal activities in future and on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for regular bail only.

7.1.2015
AS

(Mehinder Singh Sullar)
Judge