

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

**Crl. Misc. No.M- 32551 of 2015
Date of decision : 16.11.2015**

Surjit Kumar

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, Asst. AG, Punjab.

ANITA CHAUDHRY, J.

This is the second petition filed under Section 439 Cr.P.C. seeking regular bail in FIR No. 24 dated 01.03.2014, registered under Section 15 of the NDPS Act, Police Station Adampur, District Jalandhar City.

Heard.

Counsel for the petitioner contends that the main accused had been allowed bail under Section 167(2) Cr.P.C. It was urged that recovery of 330 kilograms of contraband was effected from the co-accused who is on bail and no recovery was

effected from the petitioner and the petitioner was named by the co-accused and the allegations were that the petitioner had supplied the contraband to the co-accused. It was urged that the petitioner is in custody since 2014 and the trial is not proceeding and they have reproduced the orders passed by the Court from time to time and the trial is taking time.

The State counsel states that there are 8 other cases under the NDPS Act registered against the petitioner and has placed on record custody certificate which indicates the details of those cases.

Counsel for the petitioner contends that the petitioner is on bail in all the cases. The counsel had also shown the bail order during the submissions. It was also stated that FIR no. 136 is mentioned at two places and a wrong date has been mentioned in the custody certificate. He also states that FIR No. 117 is also incorrectly mentioned and the FIR number was different and the petitioner is on bail in that case as well.

The petitioner was not arrested on the spot nor recovery had been effected from him. The petitioner is in custody for over 10 months. The trial is taking time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the

satisfaction of trial Court with the condition that the petitioner would not indulge in any such activity during the course of the trial.

16.11.2015
sunil

(ANITA CHAUDHRY)
JUDGE