

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-34769 of 2015

DATE OF DECISION: 15.10.2015

Vinay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Aakash Singla, Advocate and
Mr. Ankush Singla, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR no. 44 dated 28.2.2015 registered under Sections 22,61,85 of NDPS Act at Police Station Kotwali, Patiala, District Patiala.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case. Investigation of the case has been completed and final report has also been submitted before the Court. Learned counsel also submits that on the same set of allegations, co-accused of the petitioner, namely, Shavi Singla has approached this Court for grant of regular bail by way of filing Crl. Misc. No. M-21168 of 2015,

which was allowed vide order dated 14.7.2015. Learned counsel also submits that co-accused of the petitioner is a qualified Pharmacist and is having a valid licence upto 12.3.2019 to stock medicines for carrying out wholesale business as has also been recorded in the order granting bail to him on 14.7.2015, which is annexed as Annexure P-2 with the petition. The petitioner was working with co-accused and was alleged to accompany him. Nothing is to be recovered from the petitioner and he is behind the bars since 28.2.2015.

Learned counsel for the respondent-State has not disputed the custody period as well as grant of regular bail to co-accused but opposes the grant of regular bail to the petitioner on the ground that instead of intact strips, loose tablets were recovered from him.

Learned counsel for the petitioner contends that this objection was also raised at the time of granting bail to the co-accused and the same has been considered.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR.

Admittedly, co-accused, namely, Shavi Singla has been granted regular bail by this Court and allegations against the present petitioner are also the same. The petitioner is in custody since 28.2.2015 and charges are yet to be framed. An application for discharge is stated to be pending before the trial Court.

In view of the above, the present petition is allowed and petitioner, namely, Vinay Kumar is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 15, 2015
pooja

(DAYA CHAUDHARY)
JUDGE