

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-35911-2015
Date of decision:30.10.2015

Rajesh Kumar @ Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Mohit Jaggi, Advocate for the petitioner.
Mr. Daljeet Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.92 dated 10.5.2015 registered under Sections 22, 61 and 85 of the NDPS Act and Section 61 of the Punjab Excise Act at Police Station Division No.7, Ludhiana.

Learned counsel for the petitioner places reliance on an order dated 29.10.2015 passed by this Court in CRM-M-35807-2015 (Gurmukh Singh @ Sonu v. State of Punjab), whereby co-accused of the petitioner was granted the concession of bail. He submits that since petitioner is also identically placed, he is entitled for the concession of bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that since case of the present petitioner is not similar with his above-said co-accused, he is not entitled for bail. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the

case, petitioner has been found entitled for bail pending trial. It is so said, because despite making his best efforts, learned counsel for the State could not distinguish the case of the present petitioner from that of his above-said co-accused, who was granted the concession of bail by this Court vide order dated 29.10.2015. Further, since the prosecution evidence is yet to start, conclusion of the trial will take time.

In view of the above and without commenting anything further on merits of the case at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

30.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE