

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

CRM-M-36059-2015

Date of decision: 30.10.2015

Rajiv Kumar @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. B.S. Seemar, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.57 dated 21.05.2014 under Sections 22, 61, 85 of NDPS Act, registered at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner places reliance on the order dated 05.11.2014 passed by the learned Special Court at Annexure P-2, to contend that earlier, petitioner was released on interim bail till the receipt of report from the FSL. He further submits that once the FSL report came against the petitioner, he himself surrendered before the learned trial Court. Learned counsel for the petitioner would next contend that there is no allegation against the petitioner of any attempt of misusing the concession of interim bail granted to him. Since the prosecution evidence has just started, conclusion of trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Avtar Singh, Police Station Bullowal, Hoshiarpur, submits that since the recovery from the petitioner is marginally high than the commercial quantity, he is not entitled for bail pending trial. He prays for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that since the petitioner was on interim bail and there is no allegation against him of any attempt of misusing of concession of interim bail, he has been found entitled for bail pending trial. Further, since the prosecution evidence is going on, conclusion of trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the 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.

[RAMESHWAR SINGH MALIK]
JUDGE

30.10.2015
vishnu