

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

CRM-M-36214 of 2015(O&M)
Date of decision : 04.12.2015

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. KPS Virk, Advocate for
Mr. K.S. Dhaliwal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted with HC Surinder Singh

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.87 dated 30.04.2014, registered under Sections 21/22/29/61/85 NDPS Act and Section 15 of the Indian Medical Council Act, 1956 (wrongly mentioned as Sections 21/22/29/61/85/15 of NDPS Act in the impugned order), at Police Station City Rupnagar, District Rupnagar.

Custody certificate has been filed in the Court, is taken on record.

The learned counsel for the petitioner contends that the petitioner is neither the owner nor the business partner or the tenant of Dr. Anil Kumar, from whose premises alleged contraband had been recovered.

The petitioner had gone to meet Dr. Anil Kumar to alleged premises. He

further states that the recovery was not effected from the conscious possession of the petitioner, in fact the same was recovered from the rented accommodation of Dr. Anil Kumar. The petitioner is not employee of Dr. Anil Kumar. The learned counsel states that the petitioner is not involved in any other case under NDPS Act and he is in custody since 25.05.2015.

The learned State counsel has not been able to controvert the assertion made by the learned counsel for the petitioner and states that the challan stands presented and charges are yet to be framed.

I have heard the learned counsel for the parties and perused the record.

Keeping in view the fact that the recovery was not effected from the conscious possession of the petitioner, in fact the petitioner is neither owner nor tenant of the premises from where the alleged recovery had been effected; the petitioner is not involved in any other FIR under NDPS Act; he is in custody since 25.05.2015 and charges are yet to be framed, therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.12.2015

ashok

(JITENDRA CHAUHAN)
JUDGE