

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

CRM-M-41269 of 2015(O&M)
Date of decision : 11.12.2015

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sukhdeep Parmar, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab

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.17 dated 08.04.2014, registered under Sections 21, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station Bholath, District Kapurthala.

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

The learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been falsely implicated on the disclosure statements of co-accused Balwinder Singh and Harjit Singh. The allegations against the petitioner is that co-accused purchased narcotic substances from the petitioner. The total custody

period of the petitioner is 1 year, 3 months and 18 days as on 10.12.2015. Though the petitioner is involved in another FIR, i.e. FIR No.45 dated 29.05.2014 under NDPS Act, however, he is on bail in the same. Lastly, he submits that the petitioner is not arrested from the spot.

On the other hand, the learned State counsel oppose the bail and states that the motorcycle used in the crime is owned by the uncle of the petitioner and the alleged quantity is commercial.

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

In view of the fact that the petitioner is not arrested from the spot; motorcycle used in the crime is not owned by the petitioner and he is on bail in another case, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

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

11.12.2015

ashok

(JITENDRA CHAUHAN)
JUDGE