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

**CRM-M No.42926 of 2014(O&M)
Date of Decision: 25.05.2015**

Rakesh Kumar @ Kesha

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Arshdeep Singh Kler, DAG, Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.148 dated 13.07.2014, under Sections 21/61/85 of NDPS Act (offence under Section 29 of NDPS Act added later on) registered at P.S. Salem Tabri, District Ludhiana City.

Petitioner seeks regular bail on the ground that nothing has been recovered from him. He was undergoing trial in a case bearing FIR No.164 dated 13.07.2012 under Section 364, 302, 148, 149 IPC,

Police Station City Kapurthala. Petitioner has since been acquitted in the aforesaid case vide judgment of acquittal dated 06.09.2014. The alleged disclosure made by the co-accused Rajdeep Singh does not advance case of the prosecution in any manner as nothing was recovered from the petitioner. His own disclosure statement recorded on 29.07.2014 did not facilitate any recovery from co-accused. Mr.Arshdeep Singh Kler, DAG, Punjab, on instructions from ASI Sukhpal Singh, however submitted that the petitioner was, involved in 7 cases, including cases under NDPS Act. Learned counsel for the petitioner has placed on record additional documents showing that the petitioner was acquitted in FIR No.103 dated 14.06.2011 under Section 323, 324, 336, 148, 149 IPC and under Sections 25/54/59 of the Arms Act on 17.01.2015. In FIR No.3 dated 03.01.2014, his bail in terms of Section 167 (2) Cr.P.C. is pending consideration and co-accused has already been granted that benefit. In FIR No.122 dated 10.06.2014, petitioner has been granted bail on 21.04.2015 by the High Court. Similarly, in FIR No.127 dated 13.06.2014, petitioner has been discharged and FIR No.193 dated 02.08.2011, petitioner is on bail. Mr. Arshdeep Singh Kler, DAG, Punjab, on instructions from IO accepts that the petitioner is in custody only in the present case. In other cases either the petitioner has been acquitted or he has been granted bail by the Courts.

At this stage, let the petitioner is ordered to be granted regular bail, subject to his furnishing of bail bonds to the satisfaction of CJM, Ludhiana.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 25, 2015.
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE