

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.37738 of 2015(O&M)

Date of Decision:-05.02.2016

Jatinder Kumar @ Jinder @ Dhania.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Veneet Sharma, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Amarjit Singh.

JASWANT SINGH, J (ORAL)

CRM No.2177 of 2016 has been filed by the petitioner for preponing the date of hearing in the present case from 14.03.2016.

Upon notice, learned State Counsel has no objection if the present CRM is allowed and date of hearing of the main case is preponed.

In view of the above, present CRM is allowed and date of hearing of the main case is preponed from 14.03.2016 to today itself and case is taken up with the consent of the parties today itself.

CRM-M No.37738 of 2015

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Jatinder Kumar @ Jinder @ Dhania in case FIR No.3 dated

07.01.2015 for offences punishable under Sections 21, 29 of the NDPS Act and Section 25 of the Arms Act registered with Police Station Dhilwan, District Kapurthala.

As per the allegations co-accused Surinder Singh and Amarjit Singh were apprehended by the police travelling in a Indigo Car and found to be in possession of 500 grams of *Heroin* each along with cash and a pistol. On the disclosure statement of co-accused Amarjit Singh, the name of the present accused Jatender Kumar surfaced as the supplier of the *Heroin*.

It is contended that except the disclosure statement of the co-accused Amarjit made before the police officer, there is no material presented against the present petitioner-accused with the challan. Neither is there any recovery nor any document placed on record to show that the petitioner is involved in the dealing of Narcotic Drugs. Thus stand of the prosecution that the petitioner is involved in other cases cannot be relied upon in the absence of not being part of the challan. Since that apart even in the other cases, there was no recovery effected and the petitioner was released on bail. It is further contended that the petitioner is in custody since 13.01.2015 and the trial is yet to commence.

Learned State Counsel assisted by ASI Amarjit Singh is unable to refute the custody period of the petitioner and the non furnishing of any other material with the challan against the petitioner except the disclosure statement. He further submits that in one case, petitioner has been convicted under the NDPS Act for three years imprisonment, which sentence he has already undergone.

Without going into the merits of the case, keeping in view the custody period and the fact that the trial is not likely to be concluded in near future, present petition is allowed and the petitioner Jatinder Kumar @ Jinder @ Dhania is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Kapurthala.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

February 05, 2016
Vinay