

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

**Criminal Misc. No. M-42544 of 2016
Date of Decision:-07.12.2016**

Vikas Sharma alias Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mrs. G.K. Mann, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail during pendency of trial to the petitioner in case FIR No. 83 dated 21.4.2016, under Sections 22/61/85 of the NDPS Act, registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner has argued that in order to get his commission from Gurwinder Singh @ Guri, who is stationed in Patiala, the petitioner was on his way to Patiala in the offending vehicle. The contraband was not found in his possession and petitioner is not involved in any other case. She states that co-accused, namely, Sandeep Kharab alias Sunny has been granted bail by this Court vide order dated 7.11.2016 in CRM-M-28739 of 2016 titled 'Sandeep Kharab alias Sunny vs.

State of Punjab'. He is in custody since 21.4.2016. She further states that the challan in this case has already been presented, charges have been framed and the trial will take sufficient long time as the case is fixed for prosecution evidence.

Learned State counsel does not dispute the aforesaid facts and states that the prosecution evidence is yet to start.

I have heard learned counsel for the parties.

Considering the fact that recovery of contraband was not effected from the petitioner and petitioner is neither owner nor was the driver of the offending vehicle from which the contraband was recovered. The trial will take long time as the prosecution evidence is yet to start, the Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the petition is **accepted**. The petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the trial Court.

December 07, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No