

**CRM No. M-42595 of 2016
DECIDED ON: DECEMBER 05, 2016**

RAJESH KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Puneet Bali, Sr. Advocate with Mr. Vibhav Jain, Advocate
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 439 Cr.P.C., petitioner has sought bail in case FIR No. 170, dated 25.07.2016, under Sections 22, 25 and 29 of NDPS Act, registered at Police Station Kotwali Faridkot, District Faridkot.

The only allegation against the present petitioner is that his co-accused namely Harbans Singh who is working as an employee of the petitioner was nabbed by the police while carrying the drugs and psychotropic substance(s) on the motorcycle belonging to the petitioner.

Admittedly, no recovery of any drug or psychotropic substance(s) has been effected from the possession of the petitioner, who is a licence holder.

Copy of the licence is annexed with this petition as Annexure P-3. Petitioner

was arrested in this case on August 12, 2016 and after subjecting him to custodial interrogation he was remanded back to judicial custody. Meaning thereby, he is no more required for further investigation.

Moreover, investigation is still in progress, which could not be concluded even after the expiry of approximately four months. Moreover, if at all any recovery of drugs/psychotropic substance(s) is concerned i.e. from the co-accused namely Harbans Singh of the petitioner.

Thus, in the given circumstances, this Court is of the view that it would not be desirable to keep the petitioner behind the bars for an indefinite period.

Taking into consideration the above-said aspects but without expressing any opinion on the merits of the case, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned trial Court/Duty Magistrate

DECEMBER 05, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*