

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

CRM-M-7240 of 2016 (O&M)
Date of decision : 12.8.2016.

Neeraj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikram P. Arora, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Manjit Singh.

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.76 dated 17.09.2014, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station City-I, District Mansa.

The learned counsel for the petitioner contends that recovery was not effected from the conscious possession of the petitioner, in fact, the same was recovered from the motorcyle, owned by co-accused, Jatinder Kumar, who has been admitted to bail vide order dated 12.02.2016. The petitioner is in custody since 29.10.2015 and not involved in any other FIR, which is duly admitted by the learned State counsel.

On the other hand, the learned State counsel states that challan has been filed. He further submits that out of thirteen prosecution witnesses,

one has been examined so far and the petitioner ran away from the spot

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

In view of the facts that the petitioner is not involved in any other case; he is in custody since 29.10.2015; out of thirteen prosecution witnesses, twelve are yet to be examined; and challan stands presented, no purpose would be served in keeping the petitioner behind the bars, without advertent 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.

12.08.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No