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

**CRM No.M-11040 of 2017 (O&M)
Date of Decision: September 05, 2017**

Amit Kumar @ Harish Kumar @ Chintu

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Zorawar Singh Chauhan, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

CRM No.26455 of 2017

The application is allowed subject to all just exceptions.

Annexures P-2 and P-3 are taken on record.

CRM No.M-11040 of 2017

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.242 dated 08.10.2015 under Sections 21 and 22 of the NDPS Act, registered at Police Station Phillaur, District Jalandhar.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

From the record, I find that as per the allegations, a secret information was received. Raid was conducted. The present petitioner is stated to have fled away from the spot after throwing the bag. There is nothing on the record regarding identification of the accused. As argued and admitted by learned State counsel, no police official has identified the accused when he fled away. Only, there is secret information. There is nothing at this stage to prove the identify of the accused by any of the witness and the identity is disputed one.

The petitioner has been in custody since long. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, the above observations have been given only for the purpose of deciding the bail application and will not affect the merits of the case.

September 05, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No