

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

CRM No. M-12405 of 2017.

Date of Decision: 26.04.2017.

Sanjeev Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Vivek Goel, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

This is third bail application filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.45 dated 27.03.2016 registered under Sections 21 and 29 of NDPS Act, 1985 and Section 14 of Foreigners' Amendment Act, 2004 at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner contends that the heroin in question was procured by co-accused Babbu from Rukia Naczaia, a foreign national. He further states that except the averment that the petitioner was driver of the vehicle, there is no evidence against the petitioner. The petitioner is not involved in any other FIR. He further submits that co-accused Babbu and Rukia Naczaia have already been admitted to bail by this Court vide orders dated 27.10.2016 and 15.11.2016 respectively. The petitioner is in custody since 27.03.2016.

On the other hand, the learned State counsel opposes the bail application. As per the custody certificate, the petitioner is not involved in any other FIR. However, the learned State counsel states that as none has come to assist her, therefore, she is unable to state the stage of the trial

Heard.

Considering the fact that the main accused Babbu and Rukia Naczaia have been admitted to bail, challan stands already presented, the petitioner is in custody since 27.10.2016, none of the prosecution witnesses have been examined, this Court feels that this is a fresh circumstance in favour of the petitioner so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned. The petitioner shall surrender his passport, if any, held by him before the trial Court and shall not leave the country without permission of this Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

26.04.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No