

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

CRM -M-13841 of 2017 (O&M)

Date of decision: 30.08.2017

Raj Kumar @ Raja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Pradeep Panwar, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab
assisted by SI Harbhinder Kumar.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 84 dated 06.10.2015, registered under Section 22 of NDPS Act, at Police Station Mullapur Garibdass, District SAS Nagar.

It is contended that petitioner earlier approached this Court by filing CRM-M-17463-2016 under Section 167(2) Cr.P.C., for grant of default bail in the present FIR which was subsequently dismissed on 22.08.2016. Thereafter, the petitioner again approached this Court by filing a petition under Section 439 read with Section 482 Cr.P.C., for grant of interim bail for 15 days for making an arrangement of marriage of his elder brother which was accepted by this Court, vide order dated 03.03.2017. He further states that substantially this is the first bail

application of the petitioner. Allegedly 150 bottles of corex, 200 strips of lomotil and 26 pouches of microlit were recovered from the boot of the vehicle of which the petitioner was neither the owner nor driver. The petitioner has not misused the concession of interim bail and he is not involved in any other FIR.

On the other hand, the learned State counsel opposes the bail application, however, he admits the above factual aspect of the matter.

Heard.

Considering the fact that recovery was not effected from the conscious possession of the petitioner; the custody period and the fact that 02 Pws still remain to be examined, without adverting to the merits of the instant 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 CJM/Duty Magistrate/trial Court.

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

30.08.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No