

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

CRM No.M-42059 of 2017 (O&M)

Date of decision: December 21, 2017

Surjeet Kumar alias Seeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vivek K.Thakur, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Surjeet Kumar alias Seeta, has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.67, dated 21.04.2017, registered at Police Station Adampur, District Jalandhar Rural, under Section 15 of the NDPS Act.

Notice of motion was issued in this case. Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per allegations when the raid was conducted, the present petitioner along with his wife Asha ran away from the spot in *skoda* car. There is nothing on record to show that any police official has identified the present petitioner. Co-accused Asha has already been granted the concession of anticipatory bail by this Court vide order

dated 16.08.2017, on the ground of identity. Another co-accused Amrik Singh was apprehended with 100 kgs of poppy husk .

The petitioner has been in custody since 26.12.2014. 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 the final disposal of the case. Moreover, it is still debatable that as to whether the identity of the present petitioner is established or not.

Therefore, 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, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/-with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

December 21, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No