

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

CRM-M No.14863 of 2018 (O&M)

Date of Decision: 13.12.2018

Sandeep Kumar alias Happy

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ankur Bansal, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner-Sandeep Kumar alias Happy in case FIR No.33 dated 24.01.2018 registered under Sections 21/61/85 of NDPS Act, 1985 at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on the basis of suspicion, whereas, the alleged recovery i.e 300 gms of heroin was not effected from him, which is marginally more than the commercial quantity. Learned counsel further submits that the petitioner is in custody since 24.01.2018. All witnesses are the official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. He further submits that there are two more cases against the petitioner, out of which, in one case, he has been discharged and in another case, he is on bail.

Learned State counsel has not disputed the custody period as

well as stage of both the cases.

Without saying anything on the merits of the case and keeping in view the custody since 24.01.2018; the fact that only one case is pending, wherein, he is on bail; the alleged recovery is marginally more than the commercial quantity; all witnesses are the official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed and the petitioner, namely, Sandeep Kumar alias Happy is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case, the petitioner is found to be involved in any other similar case, the State is at liberty to move an application for cancellation of bail.

(DAYA CHAUDHARY)
JUDGE

13.12.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No