

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

CRM-M No. 17721 of 2018

Date of decision : 03.10.2018

Deepak alias Nishu Pandey

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Sultan Singh Gill, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J.

Petitioner Deepak alias Nishu Pandey has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.12 dated 01.06.2017 under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'the NDPS Act'), registered at Police Station - State Special Operation Cell, Distt. Amritsar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved in the commission of offence. No recovery was effected from him. It was effected from co-accused. The petitioner was undergoing sentence in another case *i.e.* FIR No.1 dated 04.02.2014 registered under Sections 21/29 of the NDPS Act registered at Police Station - State Special Operation Cell,

Distt. Amritsar and he was brought in this case through production warrant in the month of January, 2018 and since then he is in custody in the present case. Learned counsel also submits that co-accused namely Muneet Saroj has filed CRM-M No.24132 of 2018 and he has been released on anticipatory bail and interim order passed in his favour has been made absolute today *i.e.* 03.10.2018.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioner and also the fact that the co-accused has been released on bail by this Court and same allegations are there against them.

Admittedly, the FIR was registered on the basis of secret information and the petitioner was nominated in the case on the basis of statement of secret informer but no recovery was effected from him. He is in custody since January, 2018. Accordingly, on the basis of parity with co-accused Muneet Saroj and by considering the period of custody undergone, the present petition is allowed and he is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

03.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No