

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

**Criminal Misc. No. M-25844 of 2018
Date of decision: 28.08.2018**

Sonu Kumar @ Chotta Bhunda

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

This is the second petition filed by petitioner-Sonu Kumar @ Chotta Bhunda under Section 439 Cr.P.C. for grant of regular bail in case FIR No.14 dated 20.01.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sirhind, District Fatehgarh Sahib, Punjab. Earlier petition for grant of regular bail was stated to be filed before presentation of challan and the same was dismissed as withdrawn.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. There was one more FIR against the petitioner and in that case, the petitioner was to appear before the trial Court on 20.01.2018 but he was arrested from his house on 19.01.2018. An application seeking exemption from personal

appearance was moved, which was allowed. Learned counsel further submits that the petitioner is in custody since 19.01.2018 and in other case of NDPS, he is on bail. Learned counsel also submits that there is non-compliance of provisions of Section 50 of the NDPS Act as neither any independent witness was joined at the time of alleged recovery nor any option was given to the petitioner. The alleged recovery is marginally more than the commercial quantity and all witnesses are official witnesses. There is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel has not disputed the custody period but opposed the submissions made by learned counsel for the petitioner on the ground that total three cases are there against the petitioner and in two cases, he has been acquitted and in third case under Section 323 IPC, a warning has been given.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner and by considering that the petitioner is in custody since 19.01.2018; the alleged recovery is marginally more than the commercial quantity; as on today, no other case is pending against him; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody and all witnesses are official witnesses 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 (Sonu Kumar @ Chotta

Bhunda) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, in case, the petitioner is found to be involved in any other case of NDPS, the State is at liberty to move application for cancellation of bail.

28.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No