

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

CRM-M No.31120 of 2018

Date of Decision: 23.10.2018

Ravi Kumar @ Raghu

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.158 dated 02.12.2017 registered under Section 22/61/85 of the NDPS Act at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was not involved in any manner and false recovery has been planted upon him. Learned counsel also submits that the petitioner was picked up from his house by the local police and later on, he was implicated in the case. The alleged recovery is 380 grams of heroine. The entire incident has been recorded in the CCTV footage, which was installed in the house closer to the house of the petitioner but that device has been taken away by the police and was returned after a period of 10-15 days. Learned counsel further submits that the petitioner is in custody since 02.12.2017 and even a single witness has not been examined. Earlier the petitioner was released on

interim bail but he could not avail the benefit of interim bail because Chemical Examiner's Report was not received.

Learned State counsel has not disputed the factum of recovery; the custody and stage of trial. However, he has opposed the submissions made by learned counsel for the petitioner on the ground that one more case under the NDPS Act is there against the petitioner, whereas, as per custody certificate, the petitioner is on bail in that case.

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

By considering the custody of the petitioner which is approximately 11 months and also the fact that even a single witness has not been examined; all witnesses are the official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses, the present petition is allowed and petitioner, namely, Ravi Kumar @ Raghu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

23.10.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No