

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

CRM-M-33015-2018

Date of decision:14.11.2018

Mukesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.64 dated 10.05.2018 under Sections 22/29 the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ghagga, District Patiala.

The allegations as per the FIR are that on 10.05.2018 when the police party was patrolling, it came across a motorcyclist who upon noticing police party suddenly tried to turn back and was apprehended, on the basis of suspicion his search led recovery of 900 capsules, which upon analysis was found to be Tramadol Hydrochloride.

It is the case of prosecution that on the next day i.e. on 11.05.2018, during the course of interrogation Labh Singh made a statement to the effect that he had procured the aforesaid contraband from the present petitioner and it was pursuant to the said statement that the petitioner was arrested.

Learned counsel for the petitioner has submitted that he was not found in possession of contraband and was not arrested at the spot and he is sought to be implicated solely on the basis of statement of said Labh Singh which would not carry much evidentiary value.

On the other hand learned State counsel while opposing the bail application has submitted that since it was shortly after apprehension of co-accused Labh Singh that he named the present petitioner, therefore, the complicity of the petitioner is evident.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner was not arrested at the spot and also that he has been behind bars since more than 6 months and that the challan has already been presented, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Mukesh Kumar is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction

of learned Special Judge, Patiala.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

14.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**