

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

Crl. Misc. No.M-45370 of 2018

Date of Decision:- 26.11.2018

Kamaldeep @ Kanwaldeep Sharma

....Petitioner

VS.

State of Punjab

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Birinder Singh Khehar, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No.119 dated 10.07.2018 registered at Police Station Lalru, District Mohali (SAS Nagar) under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the investigation in this case is complete and the charge has also been framed. However, the trial is not likely to be concluded at an early date as examination of PWs has not yet commenced. Moreover, there is no other criminal case pending against the petitioner and, thus, he may be released on regular bail. A false case has been foisted upon the petitioner as co-accused Harvinder Kumar is a licenced Chemist and the contraband allegedly recovered belonged to him. According to the FIR, the recovery was allegedly made before the Dappar Toll Plaza but the CCTV footage of the said toll plaza shows the petitioner and other person sitting in the car.

Custody certificate dated 26.11.2018 prepared by Sh. Gurcharan Singh

Court today and the same is taken on record. According to the said certificate, the petitioner has undergone actual custody of four months and nine days and there is no other criminal case pending against him.

Learned State counsel admits that no PW has been examined till date. Further, he submits that if co-accused Harvinder Kumar was a licenced Chemist, he should have carried the proper papers with him while transporting drugs recovered under the NDPS Act, 1985.

From the aforementioned narration, it is apparent that there is no other criminal case pending against the petitioner and that the trial is not likely to be concluded at an early date. At this stage, I do not deem it appropriate to comment upon the merits of the case. The trial is in progress and during its pendency, no useful purpose would be served by keeping the petitioner in custody.

In view of the above, this petition is allowed and petitioner-Kamaldeep @ Kanwaldeep Sharma is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned.

November 26, 2018
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No