

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

**CRM-M-46585-2018
Date of decision: 26.10.2018**

Deepak Kumar @ Rosy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 101 dated 04.07.2018, registered under Section 22 of the NDPS Act, 1985, registered at Police Station Division No. 2, District Jalandhar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, 51 strips of Spasmo Proxyvon containing 08 capsules each, 72 strips of Tramacip containing 10 capsules each were recovered from co-accused Ravi Kumar @ Ravi, who was arrested at the spot and later on, the petitioner was involved in the present FIR on the disclosure made by co-accused Ravi Kumar @ Ravi.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 18.07.2018 and he is not involved in any other case under the NDPS Act and no recovery has been effected from the petitioner.

Learned State counsel, on the basis of the custody certificate

filed in Court today and on instructions from ASI Narinder Singh, has not disputed the aforesaid facts.

I have heard learned counsel for the parties.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 18.07.2018; investigation is complete and charges have been framed; trial is likely to take some time as no prosecution witness has been examined so far and also considering the fact that petitioner was arrested on the disclosure of the co-accused and he is not involved in any other case under the NDPS Act, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

October 26, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No