

S.No.217

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

CRM-M-47290 of 2018 (O&M)

Date of Decision:31.10.2018

Sukhdev SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG,
Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.114 dated 27.06.2018 registered under Sections 15 and 29 of NDPS Act at Police Station Dinanagar, District Gurdaspur, Punjab.

Counsel for the petitioner contends that the name of the petitioner is not mentioned in the FIR. The name of the petitioner has been involved in the case only on the basis of alleged disclosure statement of the co-accused who was caught with 181 kg of poppy husk. However, thereafter also, there is no recovery from the petitioner. There is no other connecting evidence to connect the petitioner to the crime involved in the present FIR. The petitioner is in custody since 15.07.2018. The investigation of the case is complete. No useful purpose would be served by keeping the petitioner in custody.

On the other hand, learned State Counsel being assisted by ASI Jaswinder Singh, does not dispute the fact that there was no recovery from

the petitioner. However, it is submitted by counsel for the state that there have been two other cases against the petitioner. Out of those two cases, in one case, the petitioner has already been acquitted and the other case is pending.

In response to this, counsel for the petitioner submits that the petitioner is already granted bail in the other case pending against him.

In view of the above submissions of counsel for the petitioner, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

October 31, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No