

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

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**CRM-M No.51620 of 2018.
Date of Decision: 29.11.2018.**

Bharat Bhushan

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Ms. Isha Goyal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Petitioner has filed the present petition under Section 439 of the Criminal Procedure Code, for grant of regular bail in case F.I.R. No.57 dated 03.07.2018 under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gharinda, District Amritsar Rural.

Learned counsel representing the petitioner contended that the petitioner was not apprehended at the spot and no recovery was effected from the present petitioner and his name figured only on the basis of disclosure statement having been made by the co-accused.

Learned counsel further contended that the petitioner is an employee of M/s Willmark Pharmaceuticals Pvt. Ltd. owned by Rajan Bhardwaj and Rajiv Bhardwaj. Vide order dated 23.10.2018 passed by co-ordinate Bench of this Court in CRWP No.632 of 2018, Rajan Bhardwaj has

already been released on interim bail till conclusion of the investigation by the SIT. Moreso, the petitioner is in custody since 05.07.2018 and trial of the case still to take some more time, so the petitioner be released on bail.

Learned State counsel has contended that huge recovery was effected on the basis of disclosure statement having been made by co-accused and the petitioner is employee of M/s Willmark Pharmaceuticals Pvt. Ltd.. However, learned State counsel has fairly conceded that employer-Rajan Bhardwaj has already been admitted on interim bail as per order passed by this Court on 23.10.2018.

Having considered the above facts and the fact that the petitioner is in custody since 05.07.2018 and no recovery was effected from his possession, rather his name figured only on the basis of disclosure statement having been made by co-accused, trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. The petitioner is ordered to be admitted on regular bail on furnishing adequate bail/ surety bonds to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

29.11.2018
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No