

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

208

CRM-M-10668-2019 (O & M)
Date of Decision:05.09.2019

Dayal Singh @ Bhanddu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S. Brar, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.128 dated 11.09.2018, under Section 22 (29 added later on) of the NDPS Act, 1985, registered at Police Station Kot Ise Khan, District Moga.

Learned counsel for the petitioner contends that the alleged contraband as alleged in the FIR was recovered on 11.09.2018 from accused Raman Kumar, who was sent to police remand. His statement was recorded on 12.09.2018 whereby he indicted the petitioner. It was on the basis of the said statement, petitioner was arrested on 15.10.2018. He further contends

that the petitioner was already in custody in some other case bearing FIR No.99 dated 17.09.2018 under Section 22 of the NDPS Act, 1985 registered at Police Station Lohian, District Jalandhar Rural. He further submits that the said statement even otherwise may not be admissible in evidence. According to him, investigation of the case is complete and the final report stands filed on 29.01.2019. However, the charges are yet to be framed.

On the other hand, learned State counsel assisted by ASI Lakhwinder Singh has opposed the bail application. The background as narrated by learned counsel for the petitioner is not disputed. It is pointed out that the petitioner is involved in another case, wherein he is in custody.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

05.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No