

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

CRM-M No.2079 of 2018

Date of Decision: 10.01.2019

Kuldeep Singh @ Bhuri

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. B.K. Mehta, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

Petitioner-Kuldeep Singh @ Bhuri has filed the present petition under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.59 dated 29.04.2017 registered under Sections 21/22/61/85 of the NDPS Act at Police Station Nawanshahar, District Shaheed Bhagat Singh Nagar during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. As per allegations, the petitioner was apprehended on the basis of suspicion and the search of polythene bag was conducted, out of which, 40 grams of heroine and 250 grams of intoxicant powder was recovered from second polythene bag. Learned counsel also submits that the recovery has already been effected. All witnesses are the official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence the

witnesses. Moreover, no independent witness was joined at the time of alleged recovery. Even Form no.29 was not filled up at the spot. The petitioner is in custody since 29.04.2017. In other case, the petitioner is on bail.

Learned State counsel submits that other than the present case, three more cases are there against the petitioner, out of which, in two cases, he has been acquitted and one case is pending and there is no instruction with regard to his release on bail in that case.

However, learned counsel for the petitioner submits at bar that the petitioner is on bail in that case as well.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Without saying anything on the merits of the case and keeping in view the custody of the petitioner since 29.04.2017 and by relying upon the submissions that the petitioner is on bail in one case under the NDPS Act, the present petition is allowed and petitioner, namely, Kuldeep Singh @ Bhuri is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court subject to verification of factum of bail in NDPS case, which is stated to be pending before it.

(DAYA CHAUDHARY)
JUDGE

10.01.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No