

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

CRM-M-17275-2019

Date of Decision: 18.07.2019

Parvesh Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G., Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Parvesh Kumar has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.92 dated 08.06.2018, registered at Police Station Canal Colony, District Bathinda, under Section 22 of the NDPS Act, 1985.

Notice of motion was issued.

Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through police file.

As per the FIR, the recovery has been shown from the hands of the accused, but there were three persons apprehended from the spot. Nothing has been mentioned that who was carrying the plastic bag containing 24 vials of ONEREX and tablets etc. Even in the site plan, 4 different points have been mentioned and the three persons were shown sitting and the recovery has been shown from the 4th point. Furthermore, it also looks unnatural that one plastic bag was shown to have been recovered

from the hands of three accused by making general averments.

Keeping in view these above facts that general allegations have been levelled and there are no specific averment etc, the benefit at this stage is to be given to the accused as it is not clear whether the recovery effected from him or from other person.

The petitioner has been in custody since 08.06.2018. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case may take long time. No useful purpose will be served by keeping him in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

18.07.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No