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

CRM-M-17555 of 2019

Date of decision: July 04, 2019

Sanjay Rathi alias Guddu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gursimran Singh Bhatia, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.1 dated 12.02.2019, under Sections 15, 18, 21, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station SSOC, Amritsar.

As per prosecution case, name of the petitioner has been surfaced during investigation being connived with co-accused in the commission of offence.

Contentends that the petitioner is in custody since 15.02.2019 and report under Section 173 Cr. P.C. has already been submitted. Also contends that neither petitioner has been named in the FIR nor anything has been recovered from him during investigation.

The above factual position is duly acknowledged by

learned State counsel, on instructions from Sub Inspector Raj Singh.

Since the co-accused of the petitioner, namely Rakesh Kumar alias Raghu has already been granted concession of bail by this Court in CRM-M-16132 of 2019, decided on 12.04.2019. Investigation has already been completed and no other criminal case is pending against the petitioner and he has been nominated on the basis of disclosure made by co-accused, therefore, his further incarceration will not serve any useful purpose.

As a result thereof, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 04, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**