

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

216

CRM-M-17794 of 2019

Decided on : 29.04.2019

Nawaboaiaze

... Petitioner

Versus

State of Punjab

.. Respondents

CORAM : HON'BLE MR.JUSTICE MANOJ BAJAJ

Present : Mr.Deepak Bhardwaj, Advocate
for the petitioner.
Mr.Harsimar Singh Sitta, AAG, Punjab.

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.48 dated 21.01.2018 under Sections 21/29/61/85 of the NDPS Act, 1985 registered at Police Station Sadar Jagraon, District Ludhiana.

The FIR was registered on the basis of a secret information, wherein it was informed that Raja Singh @ Raju and one African citizen namely Mikel Chritian Clement (who are in prison at Nabha Jail), along with Gurjant Singh and two ladies namely Manpreet Kaur and another Rozettee Nomuteby are running a racket for supply of heroin. It was intimated that accused Rozettee Nomuteby is carrying heroin for supply and travelling towards Moga. It is further narrated that the said activities of supplying narcotics were being conducted on the directions of their companions who are lodged in the jail. Acting upon the said information, the *naka* was set up and the bus was stopped, wherein the said accused was found travelling. Upon search, 1.5 kg. of heroin was recovered from her.

Learned counsel for the petitioner contends that the petitioner was already in custody in some other case since his arrest on 28.3.2017. It is further contended that no recovery was effected from the petitioner and there is no admissible evidence regarding involvement of the petitioner in the alleged crime. He further contends that the investigation of the case is complete and further custody of the petitioner may not be necessary.

Learned counsel for the petitioner further states that co-accused namely Mikel Chritian Clement of the petitioner has been granted concession of regular bail by this Court in CRM-M-3079 of 2019 on 05.04.2019.

On the other hand, the bail application is opposed by the learned State counsel on the ground that the charges are yet to be framed. However, it is not disputed that case of the petitioner is at par with the case of co-accused released on bail.

Considering the above background and the fact that the trial of the case is likely to take time, and also the co-accused of the petitioner has already been released on bail by this Court, there does not appear any reason to further detain the petitioner in custody during the pendency of the trial. Therefore, without meaning any expression 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.

[MANOJ BAJAJ]
JUDGE

29.04.2019

sd

Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No