

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

217

CRM-M-47509-2018 (O & M)
Date of Decision:02.04.2019

Dusant Kumar @ Dusant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhdeep Singh Bhinder, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Dusant Kumar @ Dusant Singh has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.111 dated 21.06.2017, under Section 21 of the NDPS Act registered at Police Station Maur, District Bathinda.

As per the allegations in the FIR that on 21.06.2017, the petitioner was caught at the spot and was having a bag in his hand. He was offered search of the bag either by the Magistrate or by some gazetted officer. Upon which, the petitioner had posed faith in the police. On search of bag, 19 bottles of onerex weighing 100 x 100 ML and 6 strips carisoma total 60 tablets intoxicating were recovered.

Learned counsel for the petitioner contends that petitioner is in custody since his arrest on 21.06.2017. He further submits that after framing of charges, no evidence has been adduced by the prosecution till date. He further contends that there is no other case against the petitioner.

On the other hand, learned State counsel assisted by SI Jagdev Singh has opposed the bail application on the ground that the offence is of grave nature. However, he does not dispute the fact that after framing of charges, no evidence has been adduced by the prosecution and there is no other case against the petitioner.

Considering the above background, the fact that the trial is likely to consume time and no prosecution witnesses have been examined, further detention of the petitioner may not be justifiable. Therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

02.04.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No