

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

CRM-M No.9595 of 2018

Date of Decision: 10.01.2019

Upinder Kumar alias Pinder

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

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

DAYA CHAUDHARY, J. (ORAL)

Petitioner, namely, Upinder Kumar alias Pinder has approached this Court by way of filing the present petition under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.180 dated 05.09.2017 registered under Sections 22/61/85 of the NDPS Act at Police Station City Sri Muktsar Sahib during pendency of the trial.

Learned counsel for the petitioner submits that the name of the petitioner was not mentioned in the FIR and he has been implicated in that case on the basis of statement made by co-accused Gurmeet Singh. Earlier FIR was registered under the NDPS Act against the petitioner and he was granted interim bail in that case by this Court vide order dated 17.07.2017 passed in **CRM-M No.20117 of 2017**. Learned counsel also submits that the petitioner has been implicated in the present case subsequently at the instance of earlier Investigating Officer of the case and the seal in this case

was also handed over to the police official who was the member of the police party. The petitioner is in custody since 05.09.2017. The trial may take some time to conclude and no useful purpose would be served by keeping him behind bars. Learned counsel for the petitioner also submits that the petitioner is a young person and his career is at stake. No other case of NDPS Act is pending against him.

Learned State counsel has not disputed the custody period as well as factum of pendency of any other case against the petitioner.

Without saying anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner that the name of the petitioner was not mentioned in the FIR and he has been implicated on the basis of disclosure statement made by co-accused. Earlier a case under the NDPS Act was there against the petitioner and that the police official who was member of the raiding party was given the seal in this case which is likely to prejudice the interest of the petitioner. All witnesses are the official witnesses and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses. Petitioner is in custody since 05.09.2017. The present petition is allowed and petitioner, namely, Upinder Kumar alias Pinder is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

10.01.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No