

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

CRM-M-33459 of 2019

Date of decision: 06.12.2019

Ashwani Kumar @ Jimmy

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Jagwinder Bir Kaur, Advocate for
Mr. L.M Gulati, Advocate for the petitioner.
Mr. K.S. Aulakh, DAG, Punjab.

HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.33 dated 24.02.2019 under Section 21 of NDPS Act registered at P.S Chheharta, Amritsar.

As per allegations in the FIR, 260 grams of heroin was recovered from the possession of Amandeep Sharma, who in his disclosure statement revealed that the contraband was obtained from the petitioner.

Learned counsel for the petitioner states that the petitioner has falsely been implicated with the aid of Section 29 of the NDPS Act. No recovery was ever effected from his possession. The name of the petitioner has surfaced on the basis of the disclosure statement of the co-accused and that the petitioner is in custody since 11.3.2019.

Learned State counsel has not disputed the factual position but opposed the prayer for bail.

Heard.

Without commenting anything on the merits of the case and also bearing in mind the fact that the petitioner is in custody since 11.3.2019 and is not wanted in any other case, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Ashwani Kumar @ Jimmy is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

This present petition stands accepted accordingly

December 06, 2019
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No