

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

CRM-M No.37036 of 2019
DATE OF DECISION : 10th SEPTEMBER, 2019

Gurmail Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Naveen Sharma, Advocate for the petitioner.

Mr. K. S. Aulakh, Deputy Advocate General, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.176 dated 02.09.2017 registered under Section 22/25 of NDPS Act, 1985 at Police Station Maur, District Bathinda.

It is contended by counsel for the petitioner that; admittedly; the petitioner was not arrested from the spot. His name was involved in the case after about one year; at the instance of police official only. It is further submitted that there has been no recovery from the petitioner. Still further, even the co-accused, from whom the recovery was effected, has already been granted bail by this court. There is no other case against the petitioner. The petitioner is in custody since 26.07.2018. The evidence has already been started. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, State counsel, on instructions from ASI Kuldeep Singh, submits that the petitioner had fled away from the spot at

the time of the incident. He was recognized by one of the police personnel itself. However, it is not disputed that even the co-accused, from whom the recovery was effected, has been released on bail. It is also not disputed that there is no other case against the petitioner and that he is in custody since 26.07.2018.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

10TH SEPTEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>