

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

CRM-M-39698-2019

Date of Decision : October 23, 2019

Ramesh Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Arjun Veer Sharma, Advocate
 for the petitioner.

Mr. J.S. Ghumman, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.49 dated 3.3.2019 under Sections 20/29 of the NDPS Act, registered at Police Station Moti Nagar, District Ludhiana, the earlier was dismissed as withdrawn on 4.9.2019 to file a fresh petition with better particular.

Counsel for the petitioner submits that co-accused of the petitioner, namely, Amit has been granted regular bail vide order dated 30.9.2019 passed in CRM-40827-2019, when the following order was passed :-

“Learned counsel for the petitioner submits that the new ground for filing this second petition is that wife of the petitioner is pregnant and her expected date of delivery is

within next 10 days. It is further submitted that recovery is of 21 kg of ganja, which is effected from the petitioner and co-accused Rajesh Kumar. Learned counsel further submits that the petitioner is not involved in any other case; challan has already been presented and after framing of the charge, only two prosecution witnesses have been examined and it will take some time in conclusion of the trial.

Learned State counsel, on instructions from ASI Charanjit Singh, has not disputed the fact that the petitioner is not involved in any other case and the case is now fixed for recording the prosecution evidence.

Without commenting anything on merits of the case, considering the fact that wife of the petitioner is pregnant and her expected date of delivery is within next 10 days, as per the medical report attached with the petition, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate."

Learned State counsel, on instructions from the ASI Ajay Kumar has not disputed the factual position. He further submits that the petitioner is not involved in any other case.

Without commenting anything on the merits of the case, considering the aforementioned submissions made by

the counsel for the petitioner and the petitioners is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)
JUDGE**

October 23, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO