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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53746-2019

Date of decision-20.12.2019

Deepak Kumar @ Deepu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.B.D.Sharma Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.11 dated 24.02.2019 under Sections 15, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Balachour, District SBS Nagar (Nawanshahar) The petitioner is in custody since his arrest on 27.09.2019.

On 24.02.2019, when the police party was on patrol duty and were going towards Bhaddi, from Balachaur, then one truck (Tata-407) bearing No.PB-11-CQ-0286 which was parked near T point Raju Majra and no one was present in the said truck. When the search was conducted, 24 polythene bags containing 5 quintal, 33 kilo and 300 grams of poppy husk was recovered from the said vehicle.

Learned counsel for the petitioner contends that the petitioner

has been indicted on the basis of statements of Hari Om (owner of vehicle) and Sanjay. He further submits that the petitioner was neither named in the FIR nor was arrested from the spot. He has further invited the attention of the Court to the order dated 28.11.2019 (Annexure P-2) passed by this Court, whereby concession of anticipatory bail has been extended to co-accused-Keshav Dass @ Vicky who was also indicted on the basis of the statement of co-accused. According to him, investigation of the case is complete, therefore, further custody of the petitioner is not required.

On the other hand, learned State counsel who is assisted by ASI Purshotam Lal opposed the prayer. However, it is not disputed that case of the petitioner is at par with co-accused, namely, Keshav Dass @ Vicky who has been granted the concession of anticipatory bail by this Court. It is also not disputed that the investigation of the case qua petitioner is complete.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further detention of the petitioner may not be justified, particularly when the investigation of the case is complete. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.12.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No