

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

**CRM-M No.5181 of 2020 (O&M)
Date of Decision:18.02.2020**

Krishan Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. PKS Phoolka, Advocate,
for the petitioner.

Mr. Ajay Pal Singh, DAG, Punjab
for the State.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail in FIR No.94 dated 17.07.2019 under Section 22 of the NDPS Act, registered at Police Station, Gidderbaha, District Sri Muktsar Sahib.

Learned counsel for the petitioner has argued that in the present case, the petitioner is in custody since 17.07.2019 and the investigation is already complete. He has stated that charges have been framed but no prosecution witness has been examined till date. Learned counsel for the petitioner has further stated that the petitioner is innocent and has been roped up wrongly in the present case and no other case is pending against him. He has also stated that the other co-accused, namely, Sange Singh @ Sanjay has been granted bail by this Court vide order dated 19.12.2019 passed in CRM-M-52185 of 2019.

Learned State counsel has filed custody certificate in the Court today. The same is taken on record. As per custody certificate, there is no other case against the petitioner. He has stated that the case is fixed for prosecution evidence and no prosecution witness has been examined till date.

I have heard learned counsel for the parties and perused the record.

In the present case, admittedly the petitioner is in custody since 17.07.2019 and the similarly situated accused has already been granted bail by a coordinate Bench of this Court. It is not the case of the State that in case, bail is granted to the petitioner, it will prejudice the trial of the case and he is likely to influence the witnesses. Considering the fact that the trial of the case has started and may take time for final decision and also that the petitioner is not involved in any other case, I deem it fit to admit the petitioner to regular bail.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

18.02.2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No