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

CRM-M-16757 of 2020 (O&M)

Date of decision: July 15, 2020

Deepak Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.52 dated 19.03.2020, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sahnewal, District Police Commissionerate Ludhiana.

As per prosecution case, on secret information, petitioner along with his co-accused were apprehended and nothing was recovered from the petitioner, rather, 200 grams and 100 grams of Heroin was recovered from co-accused, namely Varinder Singh and Rinku, respectively.

Contentends that the petitioner is in custody since 19.03.2020 and as per prosecution case, there is no recovery from the petitioner.

Also contends that there is no other criminal case pending against the

petitioner. It is also the contention that co-accused, namely Varinder Singh Garcha from whom recovery of 200 grams of Heroin was effected, has already been granted concession of bail by the Coordinate Bench of this Court, on 18.06.2020, in CRM-M-13488 of 2020.

The above factual position is duly acknowledged by the learned State counsel, rather he fairly stated that case of the petitioner is on better footing than of co-accused-Varinder Singh Garcha.

Since there is no recovery from the petitioner, co-accused has also been granted bail and there is no other criminal case pending against the petitioner, therefore, his further incarceration would not serve any purpose. Thus, this Court deems it appropriate to release him on bail pending trial.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

Petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 15, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No