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

\*\*\*\*

**CRM-M-46046-2019 (O&M)**

**Date of Decision: 06.10.2020**

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Sunil Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Himanshu Puri, Advocate for  
Mr. Balbir Singh, Advocate,  
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

**SUDIP AHLUWALIA, J. (ORAL)**

**CRM-6735-2020**

Applicant-petitioner is permitted to place on record a copy of  
FIR dated 31.03.2018, News Item dated 24.03.2018, CD and order dated  
05.11.2019 passed in CRM-M-8312-2019, as Annexures P-5 to P-8.

Application stands disposed off.

**CRM-M-46046-2019**

This is a petition for regular bail filed under Section 439  
Cr.P.C. on behalf of the petitioner in case FIR No.64 dated 09.04.2017,  
under Section 22 of the N.D.P.S. Act, 1985, registered at Police Station  
Machhiwara Sahib, District Ludhiana.

[2]. Heard.

[3]. Ld. counsel for the petitioner has pointed out that interim bail  
was granted to the petitioner on 09.04.2017 by the Ld. Judge, Special Court,  
Ludhiana, because at that stage, the chemical report had not been received.

He had not misused the concession of interim bail. Ld. counsel for the petitioner has further contended that FIR No.51 dated 31.03.2018, under Sections 7/13 (2) of the Prevention of Corruption Act, 1988 had been registered at Police Station Machhiwara, against ASI Kimti Lal and the same had been investigated by the Police. He has also contended that ASI Darshan Lal, Investigating Officer of the present case and aforesaid ASI Kimti Lal had been posted in the same police station. Therefore, the said fact clearly points out towards the false implication of the present petitioner in the present case. He has also relied upon the judgment rendered in ***Rajinder Kumar Vs. State of Haryana 2018 (1) Law Herald 289.***

[4]. On the other hand, Ld. State counsel has opposed the bail application.

[5]. The petitioner has been in custody for the last 1 year and 3 months continuously apart from the detention of 1½ months between 10.04.2017 to 22.05.2017 before he was granted interim bail. Challan has already been presented in this case and the trial would take time to conclude.

[6]. Without commenting anything on the merits lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

**06.10.2020**

*Bhumika*

**(SUDIP AHLUWALIA)  
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No