

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

CRM-M-30081-2021 (O&M)

Date of decision: 25.10.2021

Kawaldeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this fourth petition, petitioner seeks regular bail in case bearing FIR No.81 dated 13.07.2018 registered under Section 18 of the NDPS Act, 1985, at Police Station City Rampura, District Bathinda.

The status report by way of affidavit dated 21.10.2021 of the Deputy Superintendent of Police, Sub-Division Phul, District Bhatinda, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner is a driver of the car. The contraband was kept on the rear seat of the car. Co-accused Sanjeev Roshan alias Parmod Giri was sitting adjoining to the driver seat. The third accused is the owner of the car, who was not accompany the petitioner and the co-accused. Provisions of Sections 42, 50 and 52 of the

NDPS Act have also not been complied with. The petitioner has been in custody since 13.07.2018 and there is no other case pending or registered against him. No prosecution witness has been examined so far.

Learned State counsel vehemently opposes the prayer, however, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner.

The petitioner has been in custody since 13.07.2018 and there being no other case against the petitioner, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, 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 regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

25.10.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No