

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

CRM-M-35591-2021 (O&M)

Date of decision: 08.11.2021

Naresh Kumar @ Nesha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Sandeep Kumar, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 184 dated 19.08.2020, registered under Sections 379-B, 109 IPC and Section 411 IPC added later on, at Police Station Goraya, District Jalandhar Rural.

The status report by way of affidavit dated 01.10.2021 of the Deputy Superintendent of Police, Sub-Division Phillaur, District Jalandhar (Rural), already filed in the Registry and the custody certificate by way of affidavit dated 06.11.2021 of the Superintendent, Central Jail, Kapurthala, submitted by the learned State counsel, are taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He was not named in the FIR, but indicted on the basis of a disclosure statement of the co-accused. The petitioner has been in the custody since 21.08.2020. No recovery has been effected from him. Prosecution witnesses are yet to be examined. As far as

two other cases under NDPS Act are concerned, the petitioner is on bail in one case and in another case, the sentence of the petitioner has been reduced to the one already undergone.

Learned State counsel, while vehemently opposing the prayer for bail submits that there were total three accused in the present case, out of whom, two were arrested and one was declared a proclaimed offender. However, he does not dispute the custody period of the petitioner. He submits that out of nine prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.08.2020. The prosecution witnesses are yet to be examined, therefore, the conclusion of the trial would take a long time. Moreover, in two other cases under NDPS Act are concerned, the petitioner is on bail in one case and in another case, the sentence of the petitioner has been reduced to the one already undergone. In the present case, no recovery has been effected from the petitioner. Hence, 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

08.11.2021
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No