

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

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CRM-M-9156-2022 (O&M)

Date of Decision: 19.07.2022

DINESH KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

The petitioner has filed this petition seeking regular bail in case bearing FIR No.412 dated 17.12.2019, registered under Sections 22 and 29 of the NDPS Act, at Police Station Phillaur, District Jalandhar Rural.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was neither named in the FIR nor was arrested at the spot; that no recovery was effected from the petitioner and that the petitioner has been in custody since 29.12.2021. He further submits that co-accused, namely, Gulshan Kumar, was arrested at the spot and from him the alleged recovery was effected; that the petitioner has been indicted in the present case on the basis of the disclosure statement of the co-accused and that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that, as per the disclosure statement of co-accused, namely, Gulshan Kumar, he was doing trade of intoxicant tablets along with Vishal Sharma and the petitioner. He further submits that prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.12.2021. There is no other case registered and/or pending against the petitioner. The petitioner has been indicted in the present case on the basis of the disclosure statement of the co-accused. No recovery was effected from the petitioner. Prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

19.07.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*