

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

**CRM-M-34744-2022
DECIDED ON: 31.08.2022**

ANIL KUMAR ALIAS TALLI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No.0089, dated 30.07.2019 (Annexure P-1), under Section 21 of the NDPS Act and later on added Section 29 of the NDPS Act, registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner contends that the petitioner was arrested on 06.05.2022 and since then, he is behind bars. He further contends that the petitioner was not apprehended from the spot and no recovery has been effected from his possession. He has also submitted that the petitioner has been implicated on the basis of disclosure statement suffered by the co-accused Jaswinder Singh @ Kannu, from whom the recovery of 250 grams of smack has been made. He has placed reliance upon a judgment dated 05.04.2022 passed in ***CRM-M-13387-2022*** titled as ***'Rajinder Singh @ Ganja @ Randeep Singh versus State of Punjab'***, to submit that in that case, the recovery was not effected from the petitioner

and he was implicated on the basis of disclosure statement suffered by other co-accused and in that case also, the petitioner was involved in five other cases but was on bail in all of them. In the present case, although, two FIRs stand registered against the petitioner but those are related to the offence under Section 302 of IPC and not under NDPS Act.

On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record, wherein the petitioner is also involved in two other FIRs i.e. FIR No.07/2021, under Sections 302, 147, 148, 149, 34 of the IPC, registered at Police Station Khyala, Delhi and FIR No.414/2013, under Sections 364-A, 365, 387 and 34 of the IPC, registered at Police Station Khyala, Delhi.

Considering the aforesaid discussion and also keeping in view the fact that no recovery is to be made from the petitioner; the petitioner is in custody since 06.05.2022 and the conclusion of the trial is likely to take time, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

31.08.2022

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>