

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-15408-2023
Date of Decision: 02.08.2023

Tarun Kapoor @ Lucky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Tarun Sharma, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

AVNEESH JHINGAN, J. (Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
144	03.06.2022	Jamalpur, District Ludhiana	22 of NDPS Act, 1985

2. Brief facts of the case are that the police party on 03.06.2022 acting upon a secret information apprehended Raj Kumar and recovered 260 grams of heroin from his possession. The co-accused during investigation named petitioner as the seller of the recovered contraband.

3. Learned counsel for the petitioner submits that petitioner is in custody since 06.06.2022. No recovery was made from him or at his instance. He is not involved in any other case under the NDPS Act. There is

4. Learned State counsel opposes the prayer and submits that petitioner was specifically named by the co-accused; however on instructions, he fairly submits that the petitioner is not involved in any other case under the NDPS Act. Charges have been framed and trial is yet to be commenced.

5 Without commenting on the merits of the case and considering the facts that no recovery was made from the petitioner, though investigation is complete conclusion of trial is likely to take time and the petitioner is in custody since 06.06.2022, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. Since the main case has been allowed, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

02.08.2023
Rajeev (rvs)

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No