

CRM-M-1087-2015

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

CRM-M-1087-2015 (O & M)

Date of Decision:03.03.2015

Punam Chand @ Soshan

... Petitioner(s)

Versus

Narcotics Control Bureau, Chandigarh Zonal, Unit Sector-25,
Chandigarh

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr.R.K.Verma, Advocate,
for the petitioner.

None for the respondent.

Paramjeet Singh, J. (Oral)

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Allowed, as prayed for, subject to all just exceptions.

Annexures P-11 and P-12 are taken on record.

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Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in Crime Case No.13/2014 dated 27.03.2014, under Sections 8, 20, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Narcotic

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Control Bureau, Sector-25, Chandigarh.

I have heard learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner has vehemently contended that no recovery of contraband has been effected from the petitioner. The petitioner was arrested at Pushkar, Rajasthan on 27.03.2014 and his statement was recorded on the same day at Chandigarh. The contention of learned counsel for the petitioner that one person namely Poonam Chand was present in the office of Narcotic Control Bureau, Chandigarh at the relevant time and one person namely Poonam Chand at Jodhpur at that point of time. It is not possible that the petitioner will be present at both the places at the same time. Reference has been made to the statement of PW 2 Lady Constable Preeti (Annexure P-12). In fact, the petitioner is staying with his family members and is not at all involved in the present case. Learned counsel has further contended that similarly situated co-accused Asha Devi and Chandro have been granted conditional bail on 04.02.2015 by a Coordinate Bench of this Court in CRM-M-39713-2014 and case of the petitioner is on the better footing than the co-accused.

None has appeared on behalf of the respondent.

I have considered the contentions of learned counsel for the petitioner.

Admittedly, the alleged co-accused have been arrested from the area of Chandigarh and thereafter immediately, a message was sent

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by the Narcotic Control Bureau, Chandigarh to Narcotic Control Bureau, Jodhpur wherein specific name of the person, to whom the charas was to be supplied, with mobile number was mentioned. Ultimately, the petitioner was given due notice and arrested in view of the statements of the witnesses. There may not be any recovery from the petitioner, but his involvement *prima facie* appears to be there. He has also been identified by one of the witnesses whose statements have been annexed with the file. The statement was in fact recorded on 28.03.2014 as is clear from vernacular of Annexure P-4. So far as the contention of learned counsel for the petitioner that the petitioner cannot be available at Chandigarh and Pushkar simultaneously, is concerned, the same is matter of appreciation of evidence and it cannot be considered, at this stage but as per Annexure P-4, it was recorded on 28.03.2014, not on 27.03.2014. It is also pertinent to mention here that vide order dated 04.02.2015, bail granted to the co-accused is conditional one. Moreover, they are ladies and with a purpose to avoid their company with hard core criminals in jail, the Court may have taken lenient view in their case for this purpose. The petitioner cannot claim parity with lady co-accused.

At this stage, learned counsel for the petitioner wants to withdraw the instant petition.

Dismissed as withdrawn, at this stage.

03.03.2015

parveen kumar

**(Paramjeet Singh)
Judge**