

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

223

CRM-M-5224-2016

Date of Decision: February 18, 2016

PAWANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: None for the petitioner.

Mr.Jashan Preet Singh, AAG, Punjab.

M.M.S.BEDI, J.(Oral)

The petitioner has been in custody w.e.f. 15.7.2015 in a case in which petitioner was involved on the basis of arrest of one Bachittar Singh along with a stolen mobile and 150 grams of intoxicating powder which on chemical analysis was found to be dephenoxylate hydrochloride. Since the petitioner was also named in the secret information, a disclosure statement was allegedly obtained from Bachittar Singh to the effect that the petitioner was also a member of gang involved in snatching of mobile phones and sale of intoxicants.

A perusal of the police file brought by H.C. Harjinder Singh indicates that Bachittar Singh co-accused was arrested on 20.7.2014. On interrogation in custody, he had named Danish who was also arrested at the instance of Bachittar Singh. As per the case of prosecution when Danish was arrested and interrogated he had made a confession that the contraband recovered in the present case had been snatched by them in the company of petitioner. It also transpires from the police file that from Danish a mobile phone, alleged to have been stolen in connivance with other accused, was recovered. The petitioner was involved in the case on the

basis of statement of Danish who allegedly named the petitioner in the sale and purchase of intoxicating powder. Challan was presented against the petitioner and other two accused. Danish has been granted the concession of bail by this Court vide order Annexure P-3.

State counsel informs that all the prosecution witnesses have been examined in this case. Prima facie it is a case where neither any recovery has been effected from the petitioner nor there is any admissible evidence against him constituting an offence under Sections 21/22 of the NDPS Act as he was never found in possession of any intoxicating substance. No evidence appears to have been gathered regarding indulgence of petitioner in any case of extortion.

In view of the above, petitioner being in custody w.e.f. 15.7.2015, can be granted the concession of bail. Petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the trial Court.

February 18, 2016
TSG

(M.M.S.BEDI)
JUDGE