

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41060-2018(O&M)

Date of decision:10.10.2018

Harjinder Singh @ Soni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Rahish Pahwa, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.98 dated 04.08.2018 registered under Sections 22 and 29 (added later on) of NDPS Act 1985, at Police Station Doraha, District Khanna.

Learned counsel for the petitioner contends that the petitioner has unnecessarily been involved in this case. Nothing has been recovered from the petitioner. The name of the petitioner has been involved by the police only on the statement of the co-accused Balkar Singh; who is alleged to have stated to the police that he was to sell the drugs recovered from him to the present petitioner. It is contended by the counsel that since the alleged substance had not even reached the petitioner, therefore, no offence under NDPS Act can be alleged against the petitioner, even if the entire allegation are taken to be correct.

On the other hand, learned State counsel, being instructed by

HC Harnake Singh, submits that the petitioner has been named by the co-

accused as the possible recipient of the material recovered from the co-accused, therefore, he has rightly been involved in the case. It is further pointed out that there has been another case against the petitioner in which he was convicted.

In response to this, learned counsel for the petitioner submits that in that case, the petitioner was sentenced only for imprisonment already undergone by the present petitioner. Thereafter, the petitioner is not involved in any other case except the present one.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court.

(RAJBIR SEHRAWAT)
JUDGE

10.10.2018

Hemlata

Whether speaking/reasoned Yes/No

Whether reportable Yes/No