

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-11012-2019 (O&M)  
Date of Decision:- 18.3.2019

Farooq Ahmed @ Farkoo

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Vipin Mahajan, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in case registered vide FIR No.144, dated 4.11.2017, registered at Police Station Division No.2, Pathankot, District Pathankot, Punjab, under Section 20, 21, 22 of NDPS Act.
- 2 The FIR came to be lodged pursuant to receipt of a secret information to the effect that Manjur Ahmad, Mohd. Rafik Chak, Mohd. Ajan Khan, Mohd. Sabro Din, Mohd. Salmodeen, Saif Ali and Farkoo were coming on a vehicle bearing registration No. JK-02-BH-3978 from Pathankot Malakpur Bypass for the purpose of supplying 'Heroin'

and 'Charas'. Pursuant to receipt of aforesaid information, the police swung into action and vehicle bearing registration No. JK-02-BH-3978 was intercepted. While 3 persons namely Saif Ali, Salamudeen and Mansoor Ahmad Lon were found sitting on the front seat, another three namely Sabor Din, Mohd. Rafiq Chak and Azam Khan were found sitting on the rear seat. The vehicle in question was driven by Saif Ali. Salamudeen sitting in the front seat was found to be concealing a bag containing 300 grams of 'Heroin' under his legs. Mohammad Rafiq Chak sitting on the rear seat was found to be concealing a bag containing 850 grams of 'Charas' under his legs. Although, the name of the petitioner figures in the secret information amongst the 7 persons, but he was not arrested at the spot and only 6 persons were apprehended.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he is not wanted in any other case and he had himself chosen to surrender before the trial Court.
4. Opposing the petition, the learned State counsel has submitted that since there was a categoric information against the petitioner along with other 6 co-accused and the remaining co-accused were apprehended along with contraband, therefore, no case for grant of regular bail is made out. It has been informed by the learned State counsel that charges have already been framed although no PW has been examined so far.

5. Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioner neither was arrested at the spot nor any contraband was ever recovered from him and was not even wanted in any other identical case, in my opinion, it is a fit case for grant of regular bail more particularly when the challan has already been presented. The petition, as such, is accepted and petitioner-Farooq Ahmed @ Farkoo is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. This petition stands accepted accordingly.

**March 18, 2019**

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**( GURVINDER SINGH GILL )  
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No