

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

CRM-M No.22359 of 2019
DATE OF DECISION : 4th SEPTEMBER, 2019

Saleem Khan

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Ms. Gagan Deep Grewal, Advocate for the petitioner.
 Mr. K. S. Aulakh, Deputy Advocate General, Punjab.

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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.127 dated 02.11.2018 registered under Section 15 & 61 of NDPS Act 1985 at Police Station Amloh, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that the allegation in the present case is that poppy husk weighing about 55 k.g. was recovered from the house of the co-accused. However, the said co-accused has already been released on bail pending trial. The petitioner is in custody since 02.11.2018. Charge has already been framed in the case. Therefore, the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, learned counsel for the State, being instructed by ASI Kirpal Singh, submits that the case is of the recovery of commercial quantity of poppy husk. It is further submitted that the petitioner was present at the place from where the recovery was effected.

However, it is not disputed that the place from where the recovery was effected, is the house of other co-accused, who has already been released on bail.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

4TH SEPTEMBER, 2019
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>