

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

CRM-M-39927-2019

Date of Decision : November 01, 2019

Potam		Petitioner
	Versus	
State of U.T., Chandigarh		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Jangvir S. Hooda, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate
for NCB, Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in NCB Crime No.24 of 2018 dated 10.6.2018 registered under Sections 8, 20, 27-A and 29 of the NDPS Act, 1985 at Police Station NCB, Chandigarh.

Counsel for the petitioner submits that the petitioner is an agriculturist and in the FIR, the sister of the petitioner was arrested and after the challan was presented against her sister Shakuntala Devi and one another accused namely, Noor Khan, the petitioner was summoned and, thereafter, he was nominated as an accused in the present FIR. He further submits that there is no substantive evidence against the petitioner to demonstrate that he is involved in the trafficking of narcotic drugs. Counsel for the petitioner further submits that only allegation against the petitioner is that he has withdrawn an amount of Rs. 2,25,000/- from the account of his

sister Shakuntla Devi. Counsel for the petitioner submits that the said amount was withdrawn to bear the legal expenses to defend the case on behalf of his sister and the petitioner is not involved in any other case and has no criminal background.

Learned counsel for NCB has not disputed that the petitioner was arrested after the challan was presented against two accused on the basis of the call details and the withdrawal of the aforesaid amount.

Without commenting anything on the merits of the case, considering the aforesaid submission made by counsel for the petitioner and that the petitioner was arrested after the challan was presented, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)
JUDGE**

November 01, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO