

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

211/2

**CRM-M No. 42008 of 2019
Date of decision : 17.12.2019**

Gaurav Atwal @ Baghi

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ankur Bansal, Advocate, for the petitioner

Ms. Amarjit Kaur Khurana, 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. 325 dated 25.11.2018, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of the Act added later on) at Police Station Phillaur, District Jalandhar Rural.

It is contended by learned counsel for the petitioner that undisputedly, the petitioner was in custody at the relevant time. Even the allegation against the petitioner is only; that while in jail, the petitioner used to arrange the contraband for the main accused Lovepreet Singh @ Lovely telephonically. Qua this also, except the alleged disclosure statement of co-accused Lovepreet Singh, from whom recovery was effected, there is no other material connecting the petitioner to the alleged crime. The petitioner is in custody since 25.11.2018. Challan has already been filed. Hence, the petitioner is not required for any investigation purposes.

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

Yousaf Masih, submits that the petitioner was managing the supply of contraband for Lovepreet Singh from jail itself. The petitioner is having two more cases under the NDPS Act against him. However, it is not disputed that at the time of alleged recovery, the petitioner was already in custody for the past four months. It is also not disputed that the petitioner is in custody since 25.11.2018 and that the challan has already been filed.

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.

(RAJBIR SEHRAWAT)
JUDGE

17.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No