

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

214

CRM-M No.43867 of 2019
DATE OF DECISION : 7th DECEMBER, 2019

Abdul Ganni

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, 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.73 dated 19.06.2019 registered under Section 22 of the NDPS Act, at Police Station Shambhu, District Patiala.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner was employed only as a cleaner/assistant for the owner-cum-driver/co-accused- Fayaz Ahmad. At the relevant time the truck was even being driven by the owner- Fayaz Ahmad himself. The petitioner has no concern with the consignment being carried in the said truck. In any case, the petitioner is in custody since 20.08.2019. The challan has been filed. There is no other case against the petitioner. Therefore, the petitioner deserves to be released on bail pending trial.

On the other hand, counsel for the State, on instructions from ASI Joginder Singh, submits that there has been a huge recovery of

1400 bottles of cough syrup, containing the prohibited substance codeine phosphate. However, it is not disputed that the petitioner is not the owner of the truck. It is also not disputed that at the relevant time the owner of the truck was driving the same truck. Still further, it is not disputed that the challan has already been filed and that the petitioner is in custody since 20.08.2019.

In view of the above, but without commenting 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/Duty Magistrate.

7th DECEMBER, 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>