

Sr. No.213

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

CRM-M-2311-2019

Date of decision:25.01.2019

Balwinder Ram @ Raja

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Kartikeya Swaroop Mehta, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.103, dated 08.07.2018 for the offences punishable under Sections 15 and 29 of NDPS Act, registered at Police Station Bhogpur, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner is not involved in any such crime, as alleged in the FIR. It is submitted by the counsel that admittedly, the petitioner was not arrested from the spot. The name of the petitioner has been involved in the case only on the alleged statement of the co-accused to the effect that before being arrested, he had supplied 25 kgs of poppy husk to the present petitioner as well. However, despite the petitioner being in custody, there have been no recovery from the petitioner. It is further contended that except the alleged disclosure statement there is absolutely no evidence, collected by the Police even during the investigation, to connect the petitioner to the incident mentioned in the FIR. The petitioner is in custody since 02.11.2018. There is no other

case against the petitioner. Investigation of the case is complete. The petitioner is not required for any investigation purposes.

On the other hand, learned State counsel being instructed by ASI Narinder Singh, submits that the petitioner was specifically named by the co-accused as the person who had received supply of poppy husk from the said co-accused. However, it is not disputed that there has been no recovery from the petitioner and there is no other case against him.

In view of the above, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

25th January, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*