

226

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

CRM-M-48141 of 2019

Date of decision: December 13, 2019

Pardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vijay K. Jindal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.18 dated 04.07.2018, under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'Act'), registered at Police Station State Special Operation Cell, Amritsar.

As per prosecution case, recovery of contraband was effected from co-accused, namely Dhir Singh and Harjinder Singh and the petitioner has been implicated under Section 29 of the Act.

Contentends that the petitioner is in custody since 19.08.2019, after investigation in the matter, report under Section 173 Cr. P.C. has already been submitted and there is no other criminal case pending against him. Also contends that there are total 18 prosecution

witnesses, but only four have been examined till date.

The above factual position is duly acknowledged by the learned State counsel, on instructions from ASI Gurnam Singh, but opposed the prayer of the petitioner.

Heard both sides and perused the paper-book.

Neither on the spot; nor during investigation, any contraband has been recovered from the petitioner by the prosecution in this case. Even during the course of hearing before this Court also, learned State counsel is not able to show, from the police file, any incriminating material including the conversation records of the petitioner with the co-accused to connect him with the commission of offence. No doubt, the petitioner is being prosecuted with the aid of Section 29 of the Act, but since investigation is already over; as on today, there is no material available with the prosecution to fasten his liability; therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

It is clarified that, in case, there is a recurrence on the part of the petitioner, the prosecution would be at liberty to move an application for recalling of this order.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

December 13, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No