

S.No.206

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

CRM-M-6644 of 2020 (O&M)

Date of Decision:13.03.2020

Rakesh KumarPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. D.N. Ganeriwala, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, 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.105 dated 22.07.2019 registered under Sections 21 and 29 of NDPS Act at Police Station Sadar, Bathinda.

It is contended by counsel for the petitioner that although vide order dated 09.12.2019, this Court had dismissed the bail application of the petitioner at that stage, however, thereafter, the co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.02.2020. Still further, it is submitted that the allegation against the co-accused, who has been granted bail, is qua recovery of 270 grams of heroin from him, whereas the allegation against the petitioner is only that he permitted his account to be used for deposit of the money qua sale of the above-said 270 grams of heroin. Hence, it is submitted that the case against the petitioner is far less serious, as compared to the case against the co-accused, who has been released on bail. It is also submitted that there is no other case against the petitioner.

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On the other hand, learned State Counsel, being assisted by ASI Jasvir Singh has not disputed the fact that the co-accused, from whom the heroin is alleged to have been recovered, has been granted the bail by the Co-ordinate Bench. It is also not disputed that except the use of the account of the petitioner qua deposit of the money qua the above-said recovered hereoin, there is no allegation against the petitioner. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further on merits of the case, the petition is allowed. Let the petitioner be released on bail pending trial on his furnishing bail bonds and sureties to the satisfaction of the concerned trial Court/ Duty Magistrate.

March 13, 2020	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No