

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

MONIKA VERMA
2020.06.04 06:26
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CRM-M-12654-2019(O&M)

Decided on : 03.06.2020

Charanjeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Puneet Kumar Bansal, Advocate for the petitioner (s).

Mr. SPS Tinna, Addl.A.G., Punjab.

G.S. Sandhawalia, J. (Oral)

The matter has been taken up by way of Video Conferencing facility in view of COVID-19 situation, as per instructions issued.

In the present petition filed under Section 439 Cr.P.C., the petitioner is seeking concession of regular bail in case FIR No.132 dated 18.09.2019 under Section 22 of NDPS Act, 1985, registered at Police Station Khuian Sarwar, District Fazilka.

Counsel for the petitioner contends that the petitioner was not arrested on the spot and the recovery of the intoxicating substances are from Sandeep Singh, whereby 2000 tablets, wherein 409.82 mg average weight which works out to 819.64 gm Tramadol Hydrochloride. The petitioner was arrested two days after the co-accused had been arrested and on his statement as such that he had to hand over the said tablets to the petitioner-applicant.

Counsel for the State has justified the implication on account of the investigation, which showed that large number of telephone calls inter se were there between the two. State counsel, on instructions from ASI

Balbir Singh, submits that that the petitioner is in custody for over 8½ months and the investigation is complete and the case is now fixed for framing of charge on 08.06.2020. There is no other similar case is pending against the petitioner.

Keeping in view the commutative facts narrated above and that there was no conscious possession of the petitioner of the recovered contraband, it would be a moot point as how the statement of the co-accused would be liable to be taken at the time of trial, therefore, the petitioner is entitled to bail. Accordingly, the present application for regular bail is allowed. The petitioner shall be released on regular bail on furnishing of bail bonds/sureties to the satisfaction of Duty Magistrate/Illaqa Magistrate, Fazilka.

June 03, 2020
monika

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No