

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

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IN VIRTUAL COURT

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CRM-M No. 12573 of 2020 (O & M)

Date of decision : 28.5.2020

Dalwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Yashpal Thakur, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CRM No. 10796 of 2020 :

This is an application seeking exemption from filing of the Court fees.

For the reasons mentioned in the application, the same is allowed.

The petitioners are exempted from filing the Court fee.

Main Case :

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 6 dated 20.1.2020, registered under Sections 22 of NDPS Act, 1985 (Section 29 of NDPS Act added later on), at Police Station Khamano, District Fatehgarh Sahib.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. No recovery of any kind has been effected from the petitioner. The petitioner is not even alleged to be present at the spot from where the recovery was effected from the co-accused. There is

no other case against the petitioner. The petitioner is in custody since 9.2.2020. He is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Ms. Bhavna Gupta, DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, on instructions from ASI Sahpindr Singh, submits that the petitioner has been disclosed to be the main supplier of the contraband material recovered from the co-accused. However, it is not disputed that no recovery has been effected from the petitioner. It is also not disputed that there is no other case against the petitioner and that the petitioner is not even alleged to be present at the spot from where the recovery was effected.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

28.5.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No