

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

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IN VIRTUAL COURT

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**CRM-M No. 14276 of 2020
Decided on: 27.8.2020**

Gajjan Singh @ Gajjan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. TPS Bhatti, Advocate, for the petitioner

Mr. APS Gill, DAG, 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. 17 dated 24.1.2020, under Sections 21/25 of NDPS Act, 1985 (Sections 27/29 of NDPS Act added later on), registered at Police Station STF, District SAS Nagar.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in any such case, as alleged against him. The petitioner was picked up from his house and thereafter, the present recovery has been foisted upon him. The police are even seen in a video taking up the petitioner from his house along with his vehicle. Still further, it is submitted that even as per the case of the prosecution, the alleged recovery from the petitioner is only 65 grams of heroin, which is a non-commercial quantity. The petitioner is in custody since 27.1.2020 and challan has already been filed. The petitioner is not required for

any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Baljinder Singh, submits that recovery from the petitioner has been effected in the presence of a Gazetted officer. Not only this, the petitioner has been involved in three more cases of similar nature. Hence, the petitioner does not deserve any concession of bail.

In response to this submission of the counsel for the State, learned counsel for the petitioner has submitted that the petitioner has already been acquitted in two of the above said cases and in third case, the petitioner is already on bail.

In view of the above, but without commenting any further upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

27.8.2020

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No