

CRM-M-14688-2020

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

CRM-M-14688-2020 (O & M)

Date of decision: 03.09.2020

Gurdas Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Karamjit Singh Chahal, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

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This is an application under Section 482 Cr.P.C. seeking exemption from filing the court fee.

Disposed of with a direction to the learned counsel for the petitioner to deposit the court fee on-line forthwith.

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Reply by way of affidavit of the Deputy Superintendent of Police, Sub Division, Fazilka, has been filed through e-mail. Print out of the same is taken on record.

Custody certificate by way of affidavit of the Deputy Superintendent, Central Jail, Ferozepur, has been filed through e-mail. Print

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out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case FIR No.105 dated 30.08.2019, registered at Police Station Khuhi Khera, District Fazilka, under Section 22 NDPS Act, 1985.

As per the prosecution version, 810 tablets containing the salt of 'Tramadol', were recovered.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that on the day of registration of FIR, he had been summoned in the police station and throughout the day, he had remained there. It was only on the assurance of the Panchayat and respectable of the village, he had been released by the police after investigation and thereafter, on the very same day, the present FIR was registered against him.

On the other hand, the learned State counsel opposes the prayer made in the present petition. He also submits that challan has been presented and the prosecution evidence is yet to start.

I have heard the learned counsel for the parties.

In para No.3 of the reply, it is stated that on the application moved by the wife of petitioner, an inquiry was conducted. The concluding para of the enquiry report has been mentioned in para No.3 of the reply, which would read as under:

“.....It is correct that out of suspicion, the accused was called in the police station for questioning on the said date but thereafter with the responsibility of the respectable persons, the accused was sent to his house.”

The petitioner has been in custody since 30.08.2019. Trial of the case is in the offing which would take time to conclude. Therefore, no

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useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

03.09.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No