

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

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IN VIRTUAL COURT

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CRM-M No. 16243 of 2020 O & M)
Date of decision : 3.7.2020

Chamkaur Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vivek Salathia, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CRM No. 14199 of 2020 :

Allowed as prayed for.

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 7.6.2019, registered under Sections 18 and 29 of the NDPS Act, 1985, at Police Station SSOC, District Amritsar, Intelligence Wing (CID).

It is contended by the counsel for the petitioner that the case against the petitioner is totally baseless. Nothing has been recovered from the petitioner. The alleged recovery of 4.8 kgs. of opium is from the co-accused Tarsem Singh. Even as per the case of the prosecution, the allegations against the petitioner is that he was accompanying Tarsem Singh when the later was caught with the contraband. However, there is nothing on record to even remotely connect the petitioner to the recovery of the contraband effected from

the co-accused Tarsem Singh. It is further submitted that the petitioner is in custody since 7.6.2019. There is no other case against him. The charges have already been framed. Therefore, the petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, on instructions from SI Sukhbir Singh, submits that the petitioner was arrested from the spot when his co-accused Tarsem Singh was found in possession 4.8 kgs. of opium. Therefore, the petitioner has rightly been involved in the case. However, it is not disputed that the petitioner is in custody since 7.6.2019; and that there is no other case against the petitioner.

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

3.7.2020

Ashwani

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