

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

212

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IN VIRTUAL COURT

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**CRM-M No. 16736 of 2020
Date of decision : 15.7.2020**

Om Parkash @ Sonu @ Aalu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sandeep Arora, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

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. 126 dated 4.10.2019, registered under Sections 22 and 29 of NDPS Act, 1985, at Police Station Basti Bawa Khel, District Jalandhar.

It is contended by the counsel for the petitioner that the case against the petitioner is absurd and totally baseless. No recovery whatsoever has been effected from the petitioner. The recoveries of intoxicant tablets were made from the co-accused. The name of the petitioner has been sought to be involved only on the basis of the disclosure statement of the co-accused to the effect that the petitioner used to purchase the tablets from the co-accused. However, except the disclosure statement, no evidence whatsoever; has been found to show that the petitioner ever purchased any tablets from the co-accused. The petitioner is in custody since 15.10.2019. The petitioner is not in

custody in any other case as of today. Although there was one more case against the petitioner, however, he already stands acquitted in that case.

Notice of motion.

Mr. R.S. Thind, DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, being instructed by SI Resham Singh, has submitted that name of the petitioner has been specifically mentioned by the co-accused. The petitioner used to purchase the intoxicant tablets from the co-accused. However, it is not disputed that no recovery has been effected from the petitioner and that he is in custody since 15.10.2019.

In view of the above, but without commenting any further on 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

15.7.2020

Ashwani

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