

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

**CRM-M-17154-2020 (O&M)
Date of decision: 02.09.2020**

Pardeep Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Dr. (Mr.) G.S. Brar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-19559-2020

Allowed as prayed for, Annexures P-4 to P-6 are taken on record, subject to all just exceptions.

CRM-M-17154-2020

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 44 dated 03.06.2020 registered under Section 22 of NDPS Act and Section 29 of NDPS Act was added later on vide Rapat No. 18 dated 05.06.2020, at Police Station Mehna.

Learned counsel for the petitioner states that the petitioner was indicted in the present case on the basis of the disclosure statement of main accused-Baljinder @ Mouti Arora, who was arrested at the spot and the

recovery was effected from him. He further submits that the petitioner is proprietor of J.M. Pharma, Sri Muktsar Sahib Road, District Faridkot and deals in wholesale and distribution in the nearby areas, being a registered Pharmacist and has been issued a licence from the Punjab State Pharmacy Council. No other case is pending against him.

Copy of custody certificate by way of affidavit dated 01.09.2020 of Deputy Superintendent, Central Prison, Faridkot, submitted by the learned State counsel through email is taken on record.

On the instructions from ASI Malkit Singh, learned State counsel submits that as per the call details record, there are telephonic conversations between the petitioner and accused-Baljinder @ Mouti Arora, from whom the recovery was effected and he is involved in the business of smuggling. The challan is yet to be presented.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 07.06.2020. There is no dispute that the petitioner has been indicted on the basis of the disclosure statement of the main accused. No recovery was ever effected from the petitioner.

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

(HARNARESH SINGH GILL)
JUDGE

02.09.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No