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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.18989 of 2020 (O&M)
Date of decision: 08.09.2020

Krishan Ghai

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. C.S. Singhal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.111 dated 03.11.2019 registered under Section 22 of the NDPS Act at Police Station Kathgarh, District SBS Nagar, Nawanshahar.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party saw a motorcycle coming towards them and by giving signal, they stopped the same. The petitioner – Krishan Ghai was the driver of the motorcycle whereas on the pillion seat, one Gurdeep Singh was sitting and in between both of them, a plastic bag was lying, which was thrown on earth by co-accused Gurdeep Singh.

Counsel for the petitioner has further submitted that the petitioner is the first offender and the recovery of 15 injections of Buprenorphine of 02 ml each was effected from two persons and the co-accused Gurdeep Singh has already been granted the concession of

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bail vide order dated 20.07.2020 passed in CRM-M No.6633 of 2020.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is in custody for the last more than 10 months and he is not involved in any other case. It is further submitted that challan has been presented before the trial Court, however, charges are yet to be framed.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner namely Gurdeep Singh has already been granted the concession of bail; challan stands presented; charges are yet to be framed, which will be followed by recording of the prosecution evidence; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and due to COVID-19 situation, the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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