

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

CRM-M-21010-2020

Date of decision : 11.08.2020

Rajwinder Singh @ Yadwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Harpreet Kaur, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.84, dated 29.07.2019, registered under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Kotkapura, District Faridkot.

Learned counsel for the petitioner states that recovery had been effected from the bike driven by co-accused Arshdeep. The petitioner was only a pillion rider. He was neither the owner of the bike nor recovery was effected from him. The petitioner is a young boy of 23 years of age and has been falsely implicated in this case. He is in custody since 29.07.2019 and he is not involved in any other FIR.

On the other hand, learned State counsel opposes the instant petition. Learned State counsel informs that challan has been filed in this

case and out of 13 witnesses, not even a single witness has been examined so far.

Heard.

Considering the fact that the petitioner is a young boy of 23 years of age and not involved in any other FIR, neither the petitioner was owner nor driver of the vehicle from which the alleged contraband was recovered; challan has been filed in this case, out of 13 witnesses, not even a single witness has been examined and the trial is not likely to be completed in the near future, the Court is inclined to accept the present petition.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.08.2020

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No