

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

Crl. Misc. M-23030 of 2020
Date of decision: 25.08.2020

210

Gagandeep Singh

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Priyanshu Kamra, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner, in a petition filed under Section 439 Cr.P.C., seeks regular bail in FIR No. 132 dated 18.09.2019 under Section 22/29/61/85 of the NDPS Act, 1985, P.S. Khuian Sarwar, District Fazilka.

Counsel for the petitioner has referred to the order passed in Crl. Misc. M-12654 of 2020, Charanjeet Singh vs. State of Punjab on 03.06.2020 (Annexure P-3) wherein, the similar co-accused, who had not been arrested at the spot and had been granted the benefit of regular bail since the tablets were to be delivered to the said accused.

Counsel refers to para no. 4 of the order passed by the Additional Sessions Judge to contend that the recovery of the intoxicant substance was from Sandeep Singh, whereby 2000 tablets whose average weight 409.82 mg works out to 819.64 gm Tramadol Hydrochloride which has been recovered. The petitioner was arrested on 03.03.2020 on account of the statement of said Sandeep Singh, who had been arrested on the spot

and he had disclosed that he had bought the tablets from the petitioner, who is a resident of Sri Ganganagar.

Keeping in view the cumulative facts narrated above and the fact that the petitioner has been implicated on the basis of the disclosure statement of the co-accused, it would be debatable as to whether he would be liable to be held guilty or not.

Accordingly, the petition is allowed and the petitioner shall be released on bail subject to furnishing of heavy bail bonds, since he belongs to the State of Rajasthan, to the satisfaction of the Duty Magistrate/Illaq Magistrate, Fazilka.

25.08.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No