

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

CRM-M-25593-2020 (O&M)
Date of decision : 08.09.2020

Deepak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Mehardeep Singh, 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.72, dated 19.06.2020 registered under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station S.T.F. District Wing, Sri Muktsar Sahib, District S.A.S. Nagar, Mohali.

Learned counsel for the petitioner states that recovery of 300 grams of heroin was allegedly effected from the rear seat of the car and the petitioner was a co-passenger. Neither the petitioner is owner nor the driver of the car. The petitioner was sitting on the front seat of the car and the alleged recovery effected from him is not from his conscious possession. He is not involved in any other FIR. The FSL report in this case has not been received. The petitioner is in custody since 19.06.2020.

On the other hand, learned State counsel acknowledges the factum that the petitioner is not involved in any other FIR and FSL report is still awaited.

Heard.

Considering the fact that the petitioner is not involved in any other FIR; recovery was effected from rear seat of the car and FSL report is still awaited, thus there is total uncertainty regarding the receipt of the FSL report and conclusion of the trial. In these circumstances, the Court feels that the further incarceration of the petitioner is not warranted at this stage.

In view of the above, the present petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds in the sum of ₹1 lakh 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.

08.09.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No