

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

CRM-M No.26094 of 2020

Date of decision : September 11, 2020

Mohni Singh @ Mohani

..... Petitioner

Versus

State of Punjab

..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. L.S. Sekhon, Advocate for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.257 dated 18.07.2020 registered under Section 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Dhuri, District Sangrur.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally false. The petitioner was not even named in the secret information, pursuant to which the recovery was made from the co-accused. The name of the petitioner was included in the case only on the basis of alleged disclosure statement of the co-accused, to the effect that the petitioner was to further sell the material which was seized by the police from the co-accused. However, even during interrogation, the police could

not recover anything from the petitioner. The petitioner is in custody since 23.07.2020. The investigation qua him is complete. Thus, he is not required for any investigation.

On the other hand, counsel for the State, being instructed by the police official, submits that the name of the petitioner has surfaced in the case during interrogation; through the disclosure statement of the co-accused; from whom 126 Kg. of poppy husk has been recovered. However, it is not disputed that nothing has been recovered from the petitioner and that he was not even named in the secret information.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

September 11, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No