

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

(Heard through VC)

CRM-M-26051 of 2020 (O&M)

Date of Decision: November 11, 2020

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Amit Mehta, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-27716-2020

Allowed as prayed for.

Annexure P-4 is taken on record, subject to all just exceptions.

CRM-M-26051-2020

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No.20 dated
19.02.2020, under Sections 22, 29 of NDPS Act, registered at Police Station
Jaitu, District Faridkot.

Learned counsel for the petitioner contends that the petitioner
herein was taken into custody in the aforesaid FIR on 21.02.2020. It is
submitted that the petitioner has been falsely implicated in the present case.

It is argued that main accused Gurcharan Singh @ Charni has already been allowed regular bail by this court by an order dated 10.07.2020 passed in CRM-M-13260-2020. It is argued that on the basis of disclosure statement made by the main accused Gurcharan Singh @ Charni, co-accused Kuldeep Singh @ Mintu and Rajdeep Singh @ Lovely were arrested and thereafter, on the basis of disclosure statement of Rajdeep Singh @ Lovely, the petitioner herein has been nominated as an accused. It is also argued that false implication of the petitioner would be evident from the fact that he was picked up on 20.02.2020 from Bathinda and the wife of the petitioner Anju Bala had called at Punjab Emergency Helpline No.112 stating that her husband has not come back and his mobile phone is switched off. Counsel for the petitioner also claims parity on the ground that co-accused Malwinder Singh @ Raman and Abhijeet Singh @ Babbu have already been allowed regular bail by an order dated 14.08.2020 passed in CRM-M-15853 of 2020 and by an order dated 10.08.2020 passed in CRM-M-20047 of 2020 respectively. It is also contended that investigation is complete, as the challan has already been presented, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner on the ground that large recovery of Tramadol Hydrochloride was effected from him. However, he does not dispute the fact that main accused Gurcharan Singh @ Charni and co-accused Malwinder Singh @ Raman and Abhijeet Singh @ Babbu have been already been allowed regular bail by this court and that challan has already been

presented in the matter.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 21.02.2020; investigation is complete, as the challan has already been presented; conclusion of trial will take sufficient time and that main accused and two of the co-accused have already been allowed regular bail by this court, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in the sum of ₹ 1 lac with one surety in the like amount to the satisfaction of concerned trial Court/Duty Magistrate. It is made clear that in case, the petitioner is found indulged in any similar activity, his bail would be liable to be cancelled.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

November 11, 2020

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No