

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107)

CRM-M-28902 of 2020

Date of Decision: 28.10.2020

Paras Sehgal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. B.S. Bhalla, Advocate, for the petitioner.

Mr. H.S. Sullar, DAG, Punjab

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 439 of the Cr.P.C, the petitioner seeks the concession of 'regular bail', upon FIR no.54, dated 21.06.2020, having been registered at Police Station Ajitwal, District Moga, alleging therein the commission of an offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Pursuant to the order dated August 26,2020, an affidavit of the SSP, Moga, has been filed, wherein it is eventually stated that due to discrepancies in the CCTV footage, as also the fact that the number of the some of the vehicles and the faces of the persons are not clear, no conclusion can be drawn with regard to what is contained therein and in fact there may be some tampering in the footage.

Mr. Bhalla, learned counsel for the petitioner, submits that in any case, the report under Section 173 of the Cr.P.C. has been submitted to

the competent court, arraigning the petitioner as an accused therein, which fact learned State counsel also concurs with on instructions.

Learned State counsel has submitted that the recovery of the contraband being 5000 tablets of 'tramadol', the petitioner does not deserves to be admitted to bail.

However, keeping in view the circumstances as enumerated in the previous order, as also the fact that his custodial interrogation is not required in any case, after the *challan* has been presented to the competent court, I would see no reason to dismiss the petition, though of course with it again made clear that nothing stated either in this order or in the previous orders passed would affect the merits of the trial, which naturally would be gone into by the trial court wholly on the basis of the evidence presented before it on both sides.

Therefore, without making any comment on the actual merits of the case, subject to the petitioner continuing to appear before the trial court as and when summoned, this petition is allowed, with the order admitting him to interim bail made absolute.

28.10.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No