

CRM-M-29871-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-29871-2020

Date of Decision: October 1<sup>st</sup>, 2020

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rapton, Advocate,  
for the petitioner.

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

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AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.57, dated 25.06.2019, registered at Police Station Special Task Force, SAS Nagar (Mohali), under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act.

It is the contention of the learned counsel for the petitioner that no narcotic substance has been recovered from the petitioner. The recovery which is alleged to have been effected from the petitioner as an amount of Rs.1,16,000/-, which is stated to be the drug money. Counsel further contends that the co-accused of the petitioner, from whom the recovery of the narcotic substance has been effected i.e. heroin, have been granted the benefit of regular bail by this Court. Reference in this regard has been made to the order dated 30.01.2020 passed in CRM-M-41362-2029, titled as

CRM-M-29871-2020

'Gourav Sharma Vs. State of Punjab', order dated 08.06.2020 passed in CRM-M-12539-2020, titled as 'Rajwinder Singh @ Rajinder Singh @ Raju Vs. State of Punjab' and order dated 10.08.2020 passed in CRM-M-16188-2020, titled as 'Ashwani Kumar @ Jalebi Vs. State of Punjab' (Annexures P-4 to P-6 respectively). It is further contended that the petitioner is in custody since 25.06.2019 and the trial is not proceeding as out of total 17 prosecution witnesses, none has been examined till date. He, thus, prays for grant of the benefit of regular bail to the petitioner especially when his co-accused have been granted the said benefit.

On the other hand, learned counsel for the State opposes the bail application on the ground that the petitioner was found in possession of drug money. The involvement of the petitioner is fully established. He, however, could not dispute the other factual assertions, which have been made by the learned counsel for the petitioner including the fact that there is no other case registered against the petitioner except for the present one.

I have considered the submissions made by the learned counsel for the parties and keeping in view the order dated 30.01.2020 passed in CRM-M-41362-2029, titled as 'Gourav Sharma Vs. State of Punjab', order dated 08.06.2020 passed in CRM-M-12539-2020, titled as 'Rajwinder Singh @ Rajinder Singh @ Raju Vs. State of Punjab' and order dated 10.08.2020 passed in CRM-M-16188-2020, titled as 'Ashwani Kumar @ Jalebi Vs. State of Punjab' (Annexures P-4 to P-6 respectively), wherein co-accused of the petitioner have been granted the benefit of regular bail, with the fact that there is no other case registered against the petitioner except for the present

CRM-M-29871-2020

one and out of total 17 prosecution witnesses, none having been examined till date, with the fact that trial is not likely to proceed/conclude in near future, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, SAS Nagar (Mohali).

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

October 1<sup>st</sup>, 2020  
*Harish*

(AUGUSTINE GEORGE MASIH)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |