

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

**CRM-M No.34154 of 2020**

**Date of decision : November 05, 2020**

**Sanjiv Kumar @ Gagan**

**..... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**(IN VIRTUAL COURT)**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

**Present:-** Mr. Sanjeev Kumar Arora, Advocate for the petitioner.

**RAJBIR SEHRAWAT, J. (ORAL)**

The present petition has been filed by the petitioner under Section 439 Cr.PC. for grant of bail pending trial in case FIR No.4 dated 08.01.2020, registered under Sections 22, 25 and 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sidhwan Bet, District Ludhiana.

It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. Nothing has been recovered either from the petitioner or at the instance of the petitioner. The name of the petitioner has been involved in the case only on the basis of the disclosure statement of co-accused, Balkar Singh, from whom 1800 tablets of prohibited substance tramadol were, allegedly, recovered. However, except the disclosure statement of the said co-accused, the police failed to collect any material even during the investigation to connect the petitioner either to the arrested co-accused or to the material recovered from him. It is further submitted that there is no other case against the petitioner. The petitioner is

in custody since 20.08.2020. The investigation of the case is already completed. Petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

Notice of motion.

Mr. Dhruv Dayal, Sr. DAG, Punjab accepts notice on behalf of the State.

It is submitted by the learned State counsel, being instructed by SI Hardeep Singh, that the name of the petitioner has surfaced during investigation through the disclosure statement of co-accused, from whom a heavy recovery of the prohibited substance has been effected. He disclosed that the consignment belong to the petitioner. However, it is not disputed that except the disclosure statement of the co-accused, there is no evidence collected by the police to connect the petitioner either to the said co-accused or to the material recovered from him. Further, it is also not disputed that the petitioner is in custody since 20.08.2020. It is also not disputed that there is no other case against the petitioner and that he is not required for any investigation purposes.

In view the above, but without commenting any further 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**

**November 05, 2020**

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No