

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

**CRM-M No.1525 of 2021(O&M)
Date of Decision: 01.04.2021**

**Ram Nath
Vs
State of Punjab**

**.....Petitioner
.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.K. Passi, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.115 dated 07.09.2020 registered under Sections 22, 25 of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station Sadar Moga, District Moga.

Petitioner has not been named in the FIR. Recovery was effected from co-accused Sukhmander Singh. During interrogation of Sukhmander Singh, petitioner has been nominated on the ground that Sukhmander Singh had purchased the contraband from the petitioner who is a Chemist. Petitioner is an accused of offence under Section 29 of the NDPS Act.

Learned counsel for the petitioner submits that the

police had earlier implicated the petitioner in false cases i.e. FIR No.147/2016 under the NDPS Act, in which the petitioner stands acquitted in February 2020, FIR bearing No.11 dated 25.01.2020 under NDPS Act, in which, the cancellation report has been submitted and another FIR No.3/2012 under NDPS Act stands quashed by the High Court. Even after registration of the present FIR, the petitioner has been implicated in one more case bearing FIR No.171 dated 16.10.2020 under Sections 22, 29 of the NDPS Act, in which the petitioner is in custody. Learned counsel further submits that no recovery has been effected from the petitioner as he has been nominated only on the basis of disclosure statement of Sukhmander Singh from whom 7250 Covidol SR tablets were recovered.

This fact has not been denied by learned State counsel that the petitioner has been nominated on the basis of disclosure statement of co-accused Sukhmander Singh and nothing has been recovered from him.

Petitioner is in custody since 23.10.2020. Challan stands presented. Charges have not been framed so far. The trial of the case may take some time in its culmination.

In view of above, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Grant of bail to the petitioner shall not be construed to be an opinion on merits of other cases, registered against the petitioner. Those cases shall be dealt with as per law without being influenced by any statement of fact made hereinabove.

01.04.2021

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No