

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-13425-2021

Date of decision: - 13.09.2021

Pankaj Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.203 dated 04.12.2020, registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Lalru, District S.A.S. Nagar.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case as the recovery of the contraband was made from the shop i.e. Tiwana Medicos, Lalru, which is being owned by co-accused, namely, Jaskaran Singh, where the petitioner was only an employee and therefore, he could not have been burdened with the possession of the said recovery, which has been done from the shop owned by co-accused.

Short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division, Dera Bassi, District SAS Nagar, has been filed on behalf of respondent-State today in the Court and the same is taken on record.

Learned State counsel submits that keeping in view the above-said short reply, co-accused of the petitioner, namely, Jaskaran Singh is the owner of the Tiwana Medicos from where the recovery of the contraband was being done and the petitioner was only working as an employee in the said shop.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that during the investigation it has come that the petitioner was only an employee in a chemist shop, the recovery, which has been done from the said shop, can be attributed to the petitioner or not, is a matter of debate and will only be proved during the trial on the basis of the evidence led, hence, no useful purpose will be served by keeping him behind the bars any further during the trial as the trial is likely to take some time to conclude.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach

this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 13, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No