

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-2713-2021 in/&
CRM-M-30673-2020
Decided on : 09.02.2021

Pradeep Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. V.K.Sachdeva, Advocate
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

Manjari Nehru Kaul, J.

CRM-2713-2021

This is an application under Section 482 Cr.PC for placing on record Challan under Section 173 Cr.PC presented in FIR No.81 dated 28.05.2020 (Annexure A-1).

Application is allowed and document (Annexure A-1) is taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.81 dated 28.05.2020 registered under Section 22 of NDPS Act 1985 (Section 29 of NDPS Act added later on) at Police Station Nehianwala District Bathinda.

Learned counsel for the petitioner inter alia contends that false implication of the petitioner in the case in hand is evident from the fact that neither was the contraband effected from his conscious possession nor was he named in any disclosure statement of co-accused Mandeep Singh from whom the alleged contraband was recovered. Learned counsel further submits that strangely it is only two months after the registration of the FIR in question

against the co-accused Mandeep Singh, investigating agency nominated the petitioner as an accused on the basis of a statement of one Head Constable Darshan Singh, who was purportedly told by the main accused that he had procured the alleged recovered contraband from the petitioner. It has been prayed that the petitioner be granted the concession of regular bail as the evidence on which he is being sought to be implicated in the case in hand is of very weak evidentiary value coupled with the fact that he has been in custody since 12.09.2020 and there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He, on instructions from ASI Sukhpal Singh has fairly admitted that the name of the petitioner was nominated as an accused on the basis of some conversation allegedly overheard by the Head Constable Darshan Singh.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 12.09.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.02.2021

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No