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

**CRM-M No.39665 of 2020(O&M)
Date of Decision: 19.01.2021**

Palwinder Ram

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Sapan Dhir, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl..A.G. Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.34 dated 20.02.2019 registered under Sections 22, 25 of the NDPS Act at Police station Sardulgarh, District Mansa.

CRM-M No.46763 of 2019 was ordered to be dismissed as withdrawn on 25.08.2020.

Learned counsel for the petitioner submits that the contraband was recovered from a bag placed at the back seat

of the car. The brother of the petitioner managed to flee from the spot. Father of the petitioner was arrested. Petitioner was shown to be driver of the car. In the inquiry conducted by the DSP, Police Station, Sardulgarh on the application of Simran Kaur wife of the petitioner, the police found the petitioner to be innocent as he was unaware about the fact that the bag placed on the back seat was containing contraband and he became driver of the vehicle only on the confidence of his father and brother. He was ignorant about the act and conduct of his father and brother. Police on the basis of secret investigation and also on the basis of statement(s) of the witnesses and panchayati writing, found that the petitioner has no connectivity with the selling of narcotic drugs and psychotropic substance. The brother of the petitioner namely Balwinder Singh is facing the prosecution in many cases. Father of the petitioner and his brother are found to be accused in the present case, whereas the petitioner is found to be innocent. The report submitted by the DSP, Police Station Sardulgarh has been approved by the SSP, Mansa on 24.05.2019 and the same has been made part of the challan by the Investigating Officer, wherein the petitioner has been placed in column No.2 of the challan. It is only on the basis of cognizance taken by the Court that the petitioner has been summoned at the stage of framing of charges. Learned counsel further submits that the petitioner is in custody since

20.02.2019.

The factual details of the case are not in dispute, however, learned State counsel on instructions from IO submits that the factum of challan dated 29.05.2019 on the basis of aforesaid report of DSP was very much available on 25.08.2020 when first petition for grant of regular bail was withdrawn from this Court. Petitioner has been summoned by the Court at the time when the Court applied its mind.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and 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.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

January 19, 2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No