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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.53302 of 2021 (O&M)
Decided on: 23.12.2021

Pardeep Kumar @ Deepi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ankit Grewal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.124 dated 03.07.2020, for offence punishable under Section 22 of the NDPS Act registered at Police Station Sadar Patiala, District Patiala.

Counsel for the petitioner has argued that as per the allegations in the FIR, a secret information has been received that Pardeep Kumar @ Deepi and Yogesh Sharma @ Johny are indulged in selling of narcotic drugs and are coming on a motorcycle, the ruqa was sent to the Police Station and thereafter, the petitioner and the co-accused were apprehended and recovery of 800 tablets were effected. It is further submitted that the petitioner is the first offender and he is in custody for the last about 01 year, 05 months and 15 days and out of 13 PWs, only 04 PWs have been examined. Counsel for the petitioner has

also argued that it will be a matter of trial whether proper procedure under Section 50 of the NDPS Act has been followed or not as the FIR is based on the basis of a secret information and therefore, it will be a debatable issue whether it amounts to a chance recovery.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender; challan stands presented; out of 13 PWs only 04 PWs have been examined and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.12.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No