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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6881-2020

Date of Decision: 08.11.2021

Prince

.....Petitioner

vs.

State of Punjab

.....Respondent

210-A

CRM-M-45799-2019

Rajinder Singh @ Raju

...Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Naveen Bawa, Advocate,
for the petitioner (in CRM-M-9881-2020).

Mr. Balbir Kumar Saini, Advocate,
for the petitioner (in CRM-M-45799-2019).

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

These petitions have been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioners in case FIR No. 87, dated 06.06.2019, registered at Police Station Gate Hakima, District Amritsar, for the alleged commission of an offence punishable under the provisions of Section 67 of the NDPS Act, 1985.

Learned counsel for the petitioners reiterate that a co-accused of the petitioners having been admitted to bail, with the recovery of contraband being from another co-accused, of less than commercial quantity, the petitioners too deserve to be admitted to bail.

It is to be noticed that learned State counsel has also pointed out that as per the investigation in fact the petitioner, Rajinder Singh @ Raju, was arrested along with Lakhwinder Singh from whom 900 tablets of 'Tramadole' were allegedly recovered.

Learned State counsel does not deny the fact that as per his instructions the quantity of contraband recovered from the co-accused of the petitioners was less than commercial quantity; but submits that the petitioners being allegedly involved in a drug racket being run from jail, they do not deserve to be admitted to bail, with Rs. 7.52 lacs also having been transferred to the Paytm account to the petitioner in CRM-M-45799-2019 (Rajinder Singh @ Raju).

Learned counsel for the petitioners submits that there is no documentary proof whatsoever in that regard and other than that, the 'consent offers' made to those accused who were alleged to have been apprehended at the spot, was a common offer and not separate offers as are required as per law, and as such the FIR is not sustainable.

Without making any comment on the aforesaid contentions raised with the matter already having gone to trial, since the petitioners are stated to have been in custody for more than 02 year and the recovery of the drug allegedly made from the co-accused is less than commercial quantity, the petitions are allowed. The petitioners are ordered to be admitted to bail

upon their furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

A photocopy of this order be placed on the file of the other connected case.

November 08, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.