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215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7430-2023

Date of Decision: 17.08.2023

Jagdeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.64 dated 22.02.2022 registered under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station City Budhlada, District Mansa.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Just to connect the petitioner to the alleged crime, the police have fabricated the alleged recovery of 20 bottles of Omerex containing Codeine Phosphate from the petitioner. Learned counsel has also relied upon the judgment rendered by Hon'ble the Supreme Court in **SLP (Crl.) No.5769 of 2022** titled as '**Nitish Adhikary @**

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Bapan Vs. The State of West Bengal' decided on 01.08.2022, to buttress his arguments. The petitioner is in custody since 22.02.2022. There is no other case against the petitioner. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be granted concession of bail pending trial.

On the other hand, learned counsel for the State, on instructions from ASI Salwinder Singh, has submitted that the petitioner is involved in a heinous crime of drug paddling. A commercial quantity of the contraband have been recovered from the petitioner. However, it is not disputed that there is no other case against the petitioner and that the petitioner is in custody since 22.02.2022.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

17.08.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No