

CRM-M-7648-2023

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

CRM-M-7648-2023

Date of Decision: 04.08.2023

Kulwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Karanvir Singh Khehar, Advocate,
for the petitioner.

Mr. Sandeep, Additional Advocate General, Punjab.
for the respondent-State.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail pending trial in case FIR No.0221 dated 16.10.2022 registered under Sections 18 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Civil Lines Patiala, District Patiala.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted by one SI Karamjit Singh. The reason was that the petitioner was holding a protest to get an FIR registered in some other case. To put pressure upon the petitioner, the present FIR was concocted. Since, the petitioner was called to the police station and was involved in the case, therefore, the petitioner had himself requested the Trial Court to preserve his mobile tower location at the

CRM-M-7648-2023

relevant time and that has also been preserved by the Trial Court. Otherwise also, the petitioner is in custody since 16.10.2022. There is no other case against the petitioner under the NDPS Act. The investigation of the case is over and the petitioner is not required for any investigation purposes. Hence, the petitioner deserves concession of bail pending trial.

3. On the other hand, learned counsel for the State, being instructed by ASI Paras Nath, has submitted that the recovery of commercial quantity of opium was effected from the petitioner himself. Therefore, the petitioner is involved in a serious crime. However, it is not disputed that there was another FIR got registered by family members of the petitioner regarding some other incident and that mobile tower location of the petitioner has been preserved by the Trial Court on prayer made by the petitioner. It is also not disputed that the petitioner is in custody since 16.10.2022 and that there is no other case against the petitioner under the NDPS Act.

4. 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

04.08.2023
adhikari

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