

CRM-M-10379-2023

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213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10379-2023
Date of Decision: 18.07.2023

Mukesh alias Rahul

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Amit Chaudhary, Advocate,
for the petitioner.

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

RAJBIR SEHRAWAT, J. (ORAL)

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.0059 dated 14.07.2022 registered under Sections 22 and 61 of the NDPS Act, 1985, at Police Station Banur, District Patiala.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. Just to connect the petitioner to the alleged crime, the police have concocted the alleged recovery of 60 injections of Buprenorphine. The petitioner is in custody since 14.07.2022 and that he is not required for any investigation purposes. There is no other case against the petitioner under the NDPS Act. Hence, the petitioner deserves to be released on bail pending trial.

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On the other hand, learned counsel for the respondent-State, being instructed by ASI Mohd. Naseen Khan, has submitted that there is a chance recovery of contraband from the petitioner when he was travelling on the road. Therefore, there is no question of fabricating recovery from the petitioner. The material recovered from the petitioner is commercial quantity. Hence, the petitioner does not deserve for grant of concession of bail pending trial. However, it is not disputed that the petitioner is in custody since 14.07.2022 and that there is no other case against the petitioner. It is also not disputed that the petitioner is not required for any investigation purposes any more.

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

18.07.2023
adhikari

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