

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.28903 of 2023
DATE OF DECISION : 9th NOVEMBER, 2023

Amrinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

1. 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.65 dated 04.07.2022 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Zira, District Ferozepur.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. However, the petitioner is not involved in the case as alleged against him. Even as per the story of the prosecution the material was recovered from the lap of the brother of the petitioner who was travelling in his car. There was no recovery from the petitioner as such. The petitioner is in custody since 04.07.2023. Despite that the prosecution has not examined even a single witness out of 09 witnesses cited by the prosecution. The counsel for the petitioner has relied upon the judgments rendered by the Hon'ble Supreme Court in the cases of *Nitish Adhikary @ Bapan Vs. The State of West Bengal* vide order dated 01.08.2022 passed in *SLP (Criminal) No.5769-2022*; *Mohd. Muslim @ Hussain Vs. State (NCT of Delhi)*, 2023 AIR

(Supreme Court) 1648 and another judgment rendered in *Md. Hasanujjaman Vs. State of West Bengal & Ors, SLP (Crl.) No.3221 of 2023* vide order dated 04.05.2023, to buttress his arguments. Accordingly, it is submitted that the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned counsel for the State, being instructed by ASI Jakhir Singh, has submitted that there has been huge recovery of 5000 tablets of Tramadol Hydrochloride from the petitioner. Not only that another case has also been registered against the petitioner under Section 29 of the NDPS Act. Therefore, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed that no witness has been examined so far and that the petitioner is in custody since 04.07.2023.

4. Qua the other case, pending against the petitioner, it is submitted by counsel for the petitioner that the said case has been created by the police when he was already in judicial custody. Therefore, the said case, *per se*, is unsustainable.

5. In view of 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.

9th November, 2023

‘raj’

(RAJBIR SEHRAWAT)

JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>