

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.33437 of 2022 (O&M)

DATE OF DECISION: 28th SEPTEMBER, 2023

Gagandeep Chawla

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mrs. Simran Chawla, wife of petitioner in person.

Mr. Jaspal Singh Guru, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-36029-2023

This is an application for placing on record the Annexures
P-14 to P-16.

For the reasons mentioned in the application, the same is
allowed. Annexures P-14 to P-16 are taken on record.

Main Case

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.0101 dated 16.06.2021 registered under Section 22 of NDPS Act at Police Station Doraha, Tehsil and District Khanna.
2. Status report by way of affidavit of Harsimrat Singh, PPS, Deputy Superintendent of Police, Sub-Division Payal, Police District Khanna, District Ludhiana is taken on record.

3. It is the case of the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime at all. Even as per the case of the prosecution, the recovery was effected from the car. However, the petitioner was neither the driver nor the owner of the car in question. Even, the material was not recovered from the petitioner, as such. The petitioner is in custody since 16.06.2021. Out of 13 witnesses, the prosecution has examined only 1 witness so far. Hence, the petitioner deserves to be released on bail pending trial.

4. On the other hand, learned State Counsel, being instructed by ASI Lakhwinder Singh, has submitted that huge quantity of more than 5500 tablets of contraband were recovered from the car in which the petitioner was also present. Therefore, it cannot be said that the petitioner is not involved in the case. However, it is not disputed by learned State counsel that the petitioner is in custody since 16.06.2021 and that out of 13 witnesses only 1 witness has been examined so far. Accordingly, this Court finds the case of the petitioner as squarely covered by the judgments rendered by Hon'ble the Supreme Court in the cases of ***Nitish Adhikary @ Bapan Versus The State of West Bengal***, vide order dated 01.08.2022 passed in ***SLP (Criminal) No.5769-2022; Mohd. Muslim @ Hussain Versus State (NCT of Delhi), 2023 AIR (Supreme Court) 1648*** and ***Md. Hasanuzzaman and others Versus The State of West Bengal and others, SLP (Crl.) No.3221 of 2023***, vide order dated 04.05.2023.

5. 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.

28th SEPTEMBER, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

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