

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-32176-2023

DATE OF DECISION: 13th JULY, 2023

Satnam Singh alias Kala

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Satnam Singh Gill, 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.55 dated 21.04.2023 registered under Sections 15 and 29 of the NDPS Act, 1985 at Police Station Sadar Sangrur, District Sangrur.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally false, concocted and fabricated. The petitioner is not involved in the crime at all. Even as per the case of the prosecution, the allegation against the petitioner is that he was to purchase the poppy husk which was recovered from the co-accused. Therefore, there is not even any allegation against the petitioner that he was found in possession of the contraband. Hence, no offence is made out, even as per the story of the prosecution. The petitioner is in custody since 21.04.2023. There is no other case registered against the

petitioner. Hence, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. Jaspal Singh Guru, AAG, Punjab, accepts notice on behalf of the respondent-State. Custody certificate of the petitioner has been filed by the learned State counsel today in the Court. The same is taken on record.

5. Learned State Counsel, being instructed by SI Sukhwinder Kaur, submits that the person from whom 70 Kg poppy husk was recovered has named the petitioner as a prospective buyer of the contraband. However, it is not disputed that the petitioner had not actually purchased the material nor he was found in possession of any contraband. It is also not disputed that the petitioner is in custody since 21.04.2023 and that there is no other criminal case registered against him.

6. 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.

13th JULY, 2023
‘dharamvir’

(RAJBIR SEHRAWAT)
JUDGE

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