

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M No.44758 of 2022 (O&M)
DATE OF DECISION: 16th OCTOBER, 2023

Dharamveer Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-36766-2022

Allowed, as prayed for.

Main Case

1. The present third petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.110 dated 26.10.2021 registered under Sections 22 (b), 22 (c), 25 and 61 of NDPS Act, 1985 at Police Station Bariwala, District Sri Muktsar Sahib.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner was driving the motorcycle and the pillion rider was

carrying a bag containing contraband materials. On seeing the police party, the said bag was thrown by the pillion rider. However, the said co-accused has already been granted bail pending trial by this Court. The petitioner is in custody since 26.10.2021 and, therefore, he is not required for any investigation purposes. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State Counsel, being instructed by ASI Roop Lal, has submitted that a very heavy quantity of contraband has been recovered in the case. The petitioner was the driver of the motorcycle and his pillion rider was carrying the contraband. However, it is not disputed by learned State counsel that it is the said pillion rider, who was carrying the bag containing contraband and thrown the same on seeing the police party, has been granted bail pending trial and that the petitioner is in custody since 26.10.2021.

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.

16th OCTOBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

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