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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43823-2023

Date of Decision: 11.09.2023

Mohammad Faisal Junaid

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWATPresent: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S. SHEKHAWAT, J. (ORAL)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.164 dated 08.11.2022 registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station City-II Malerkotla, District Malerkotla.

2. As per the case of the prosecution, the police had received a secret information that Mohd. Imran alias Lalli and Anwar @ Ambu were habitual of selling intoxicating vials after purchasing the same from Faisal Junaid. On the basis of said secret information, Mohd. Imran alias Lalli and Anwar @ Ambu were arrested and the contraband was recovered from them. During the course of investigation, the petitioner was also arrested on 24.05.2023.

3. Learned counsel for the petitioner contends that even though, the petitioner was named as one of the co-accused in the FIR, but except the secret information, there is no other evidence against him. Even no recovery was effected from the present petitioner and he had himself surrendered before the

police on 24.05.2023. Learned counsel for the petitioner further contends that investigation in the present case is complete and challan has already been presented against him. He further contends that charges have been ordered to be framed against the petitioner and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was involved in a serious crime and is not entitled to bail.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner is in custody for the last about four months and no recovery was effected from him. Except the secret information received by the police at the time of registration of the FIR, the police could not collect any other evidence against him.

7. Without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

11.09.2023

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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No