

**(224) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-54794-2022

Date of Decision: 17.01.2023

Ami Chand

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Rajiv Verma, D.A.G. Punjab.

SANDEEP MOUDGIL, J. (Oral)

This petition under Section 439 Cr.P.C has been filed for grant of regular bail to the petitioner in FIR No.132 dated 11.09.2021 registered under Sections 18/29 of NDPS Act at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner contends that no recovery was effected from the petitioner. The whole recovery i.e. 2 Kg. 600 gram of opium was made from co-accused Sanjay and Sandeep who used to sell the same and were caught red handed by the police. Learned counsel for the petitioner has also averred that he was involved in the present FIR solely on the basis of disclosure statement of both the aforementioned persons.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, D.A.G. Punjab, who is present in Court, accepts notice and states that the petitioner is clearly involved in the commission of offence. He further submits that there is electronic evidence which is examined by the Investigating Officer connecting the petitioner with the crime as there was constant telephonic contact between the petitioner and other co-accused. The said evidence against the petitioner has been collected from the Cyber Cell through CDRs showing the conversation of the petitioner on regular basis alongwith the other co-accused. This evidence clearly shows the direct

Considering the aforesaid facts particularly the electronic evidence against the petitioner as well as the quantity which is commercial in nature, though, not recovered from the petitioner but he has been named by the co-accused for which no concession is given in the absence of any explanation as to why he has been wrongly named by the co-accused to involve him in the present case, this petition is dismissed.

17.01.2023
rajeev

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No