

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5702-2024

Date of Decision:08.02.2024

Pawan Kumar Sharma

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. P.S Sekhon, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 19 dated 03.03.2023, registered under Sections 22-C/29 of NDPS Act, Police Station Moonak, District Sangrur.
2. As per the case set up by the prosecution, a police party headed by the complainant ASI Gurmeet Singh had received a secret information that Resham Singh son of Ajmer Singh was indulging in sale of narcotic substance and had employed Sandeep Singh alias Sipa son of Amarjit Singh. On that day, Sandeep Singh alias Sipa was to deliver the commercial quantity of tablets to Pawan Kumar Sharma and if a Naka was set up, Sandeep Singh alias Sipa could be apprehended. On this, the police had set up the barricade and 2500 tramadol tablets were recovered alongwith other 15600 intoxicant tablets.
3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 15.11.2023 and is in custody since then. Learned counsel submits that even though the petitioner has been named in the FIR, but

no recovery was effected from him. Still further, the petitioner had no concern with the alleged recovery from Sandeep Singh @ Sipa, co-accused. He next contends that the challan in the present case has already been presented and the trial of the case may take quite a considerable long time. He next contends that the similarly placed co-accused Resham Singh has already been granted the concession of bail by this Court vide order dated 03.11.2023 (Annexure P-2).

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the recovery from the co-accused was commercial in nature and the petitioner is not entitled to grant of bail.

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

5. The petitioner was arrested in the present case on 16.11.2023 and is in custody for the last 04 months. The challan has already been presented by the police and his further incarceration will serve no meaningful purpose. Even there is no material on record to indicate that the petitioner may influence the witnesses of the prosecution or may flee from the process of justice. Still further, similarly placed co-accused Resham Singh has already been granted the concession of bail by this Court vide order dated 03.11.2023 (Annexure P-2).

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/DutyMagistrate/Chief Judicial Magistrate, concerned.

08.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable

Yes/No
: Yes/No