



241 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56024-2024

Date of Decision:08.04.2025

Showkat Ahmad Pakhtoon

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Subhash Kumar, Advocate, for the petitioner.

 Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.12 dated 31.01.2021 registered under Sections 15(C), 25, 29 of NDPS Act, at Police Station Division No.7, Jalandhar.

2. Learned counsel for the petitioner contends that undoubtedly, the petitioner was registered owner of the truck in question, however, in August, 2020, he had sold his truck to Irfan Rashid Rather and handed over the physical possession of the truck to him on 10.08.2020. Even a Notarized General Power of Attorney dated 28.10.2020 was also executed between the parties in this regard. He further contends that even the original RC could not be transferred in the name of Irfan Rashid Rather as the truck was financed by Finance Company and the instalments were yet to be paid. He further contends that at the time of registration of the FIR, four persons, namely, Danish Manzoor, Irshad Ahmad @ Zuber, Gurdeep Singh and Manjit Singh @ Lada were arrested by the police and the petitioner had no concern with any one of them. He further contends that now, after a gap of four years, the police illegally

arrested the petitioner on 01.09.2024 and challan has been filed against him. Learned counsel further referred to the orders (Annexures P-6 to P-8 respectively), whereby the main accused, namely, Gurdeep Singh, Danish Manzoor, Manjit Singh @ Lada and Irshad Ahmad @ Zuber have been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. However, he admits that there is no other case against the petitioner.

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

5. The petitioner is in custody for the last more than 07 months and is the first offender. It is an admitted position that the main accused, namely, Gurdeep Singh, Danish Manzoor, Manjit Singh @ Lada and Irshad Ahmad @ Zuber have already been granted the concession of bail by this Court, vide orders (Annexures P-6 to P-8 respectively). Thus, further custody of the petitioner will not serve any meaningful purpose.

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/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

08.04.2025
hemlata

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