**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.217****Case No. : CRM-M-63592-2024****Decided On : January 15, 2025**

Pawan Kumar Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH.

* * *

Present : Mr. Akhil Ahuja, Advocate
for the petitioner.

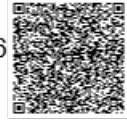
Mr. Amandeep Singh Samra, AAG, Punjab.

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SANJAY VASHISTH, J. (Oral) :

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for grant of regular bail to the petitioner in case FIR No.147 dated 20.09.2024, under Sections 21(c), 20 of the NDPS Act, 1985 and Section 25 of Arms Act, 1959 (Sections 27-A, 29 of NDPS Act added later on), registered at Police Station Special Task Force, Police District STF Wing, SAS Nagar (Mohali).

2. Counsel for the petitioner submits that at the time of conducting raid, the petitioner Pawan Kumar was not present at the house of Rinku Thapar and his name was not disclosed by secret informant, as alleged by the prosecution in the FIR. The petitioner is stated to be aged about 70 years, who is running two firms namely M/s Garg Industries and M/s Shankar Trading Company and has been filing GST Returns for the said firms every month and on annual basis also. Further submits that name of the petitioner has subsequently emerged from the statement of one other co-accused – Kamal Kumar, from whom also, nothing has been recovered to be



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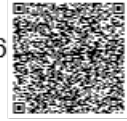
termed as an offence under the NDPS Act. Said Kamal Kumar was not named in the FIR. He further submits that the petitioner is in the jail since 25.09.2024 and is not required for any purpose by the investigating agency.

3. Learned State counsel argues that the petitioner, being active member of the group, which is involved in the business of illegal activities falling under the crimes relating to NDPS Act, cannot be termed as innocent person and therefore, does not deserve concession of regular bail.

4. I have considered the submissions addressed by both the sides and also examined the record. Admittedly, the petitioner was not present in the house of Rinku Thapar at the time of raid and simply on the basis of disclosure statement, learned State counsel wants to build up case against the petitioner falling within the ambit of NDPS Act. This Court finds that prima facie, the submissions addressed by the counsel for the petitioner seem to be convincing for the purpose of examining liberty of the petitioner. Until substantial evidence is shown by the prosecution, for indefinite period and only on assumptions of involvement in the crime, the petitioner cannot be kept behind bars.

5. In view of the totality of circumstances and the factors recorded herein above, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

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7. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

8. It is further made clear that if in future, petitioner is found misusing the concession granted by this Court or indulging in similar kind of activities, it would be open to the prosecution to seek cancellation of bail in the present case with the help of some material.

Petition stands disposed of.

January 15, 2025*monika***(SANJAY VASHISTH)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>