

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

CRM-M-24911 of 2016 (O&M)
Date of decision : 19.08.2016

Jasvir Singh

...Petitioner (s)

Versus

State of Haryana

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Sidhu, Sr. Advocate with
Mr. G.S. Benipal, Advocate
for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Sahab Ram.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in a case FIR No.594, dated 29.10.2015, registered under Sections 15 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Narnaund, District Hisar.

The learned Senior counsel for the petitioner contends that the petitioner has been roped in the present case being a subsequent owner of the vehicle in question. Whereas, the said vehicle even as on today is registered in the name of its original owner. The petitioner was neither the owner nor the driver nor the occupant of the vehicle at the relevant time.

Neither any recovery was effected from the conscious possession of the petitioner nor he was arrested from the spot.

The learned State counsel submits that the petitioner had entered into an agreement with one Sanjeev and purchased the said vehicle. He further submits that the vehicle is in the effective custody of the petitioner, however, he fairly admits that the vehicle remained in the name of its original owner.

Heard.

Keeping in view the facts that the petitioner was not arrested from the spot; no recovery is effected from the conscious possession of the petitioner; and at the relevant time, petitioner was neither the registered owner of the vehicle in question nor its driver, without expressing any opinion on the merits of the case, this petition stands allowed subject to the conditions contained in Section 438(2) Cr.P.C.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

19.08.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No