

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-28739 of 2016
Date of Decision: 07.11.2016

Sandeep Kharab alias Sunny

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.83 dated 21.4.2016 under Section 22 of the NDPS Act registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner has argued that the petitioner is a travel agent and operates from Delhi. He is doing the business of immigration and sells tickets for foreign countries. On account of selling of tickets, the petitioner was required to collect money from Gurwinder Singh @ Guri at Patiala and therefore, he personally visited him on 19.4.2016, as said Gurwinder Singh @ Guri was not responding to the

phone calls made by the petitioner. It is in these circumstances, the petitioner was at Patiala. However, when the petitioner reached the house of Gurwinder Singh @ Guri, a police party was already there. The police made the petitioner to sit there, though the petitioner did not know about the other accused, as they were from different places. Learned counsel further argued that the recovery of 200 gms. of intoxicant powder was not made from the conscious possession of the petitioner, rather the same was made from the dash board of car bearing No.HR-12Y-0130 during *naka*. Thus, the petitioner was neither owner nor the driver and the alleged contraband was also not recovered from his conscious possession. There is no other case pending against the petitioner.

On the other hand, learned State counsel, on instructions from ASI Jaspal Singh has informed this Court that there is no other case pending against the petitioner.

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

Considering the fact that the alleged recovery was not effected from the conscious possession of the petitioner and the petitioner is neither the owner nor the driver of the vehicle from which the contraband was recovered, this Court is of the opinion that the petitioner deserves to be admitted on bail.

Accordingly, without adverting to merits of the case, the present petition is allowed and the petitioner is admitted on bail during the pendency of the trial, subject to furnishing of his bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Patiala.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

November 07, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?	Yes / No
Whether reportable?	Yes / No