

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

CRM-M-37044-2016 (O&M)
Date of decision : 27.10.2016

Vijay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab,
assisted by ASI Balbir Chand.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.45 dated 27.03.2016, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act and Section 14 of the Foreigners Amendment Act, at P.S. Sadar Fazilka.

Contends that the petitioner is neither the owner, nor driver of the vehicle from where the recovery has allegedly been effected. The petitioner was not in the conscious possession of the contraband. His services were hired being a cook. Similarly situated co-accused Harish and Babbu have already been admitted to bail by this Court. He is not involved in any other case.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that the petitioner was apprehended from the spot. The challan is yet to be

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presented.

Heard.

The petitioner is behind the bars since 27.03.2016. The similarly placed co-accused Harish and Babbu have been admitted to bail. The petitioner is not involved in any other FIR. The challan is yet to be presented, therefore, it can safely be inferred that the conclusion of the trial may take time.

Keeping in view the above and without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.10.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No