

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

**CRM No. M-11023 of 2017.**

Date of Decision: 05.04.2017.

Jaspreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM : Hon'ble Mr. Justice Jitendra Chauhan**

Present : Mr. G.S. Sandhu, Advocate,  
for the petitioner.

Mr. Mehardeep Singh, Addl. AG, Punjab

**JITENDRA CHAUHAN.J.(ORAL)**

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.56 dated 10.08.2016 registered under Section 22 of NDPS Act at Police Station Arniwala, District Fazilka.

Learned counsel for the petitioner contends that no recovery was effected from the conscious possession of the petitioner. The petitioner took a lift from co-accused Dilbagh Singh. The recovery in the present case was effected from the boot of the motor cycle. The petitioner is not the owner of the motor cycle. The petitioner is not involved in any other FIR. The petitioner is in custody since 10.08.2016.

On the other hand, the learned State counsel opposes the bail application.

Heard.

Considering the fact that the recovery was not effected from the conscious possession of the petitioner; the petitioner is not the owner of the motor cycle, he is in custody since 10.08.2016, so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

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

05.04.2017.  
SN

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                                    |               |
|------------------------------------|---------------|
| <b>Whether speaking/reasoned :</b> | <b>Yes/No</b> |
| <b>Whether reportable :</b>        | <b>Yes/No</b> |