

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

CRM-M No. 18741 of 2017

Date of Decision: 30.05.2017

Hazari Ram

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 95, dated 22.07.2016, under Sections 18/25/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Fazilka, District Fazilka.

Petitioner is Hazari Ram son of Jai Ram, who was shown as co-occupant of the truck, which was being driven by

Hazari Ram son of Harbhaj Ram. Hazari Ram son of Harbhaj Ram was found to be owner of the vehicle and one more occupant Vikram was also present in the truck. The truck was intercepted on its way from Ferozepur to Jalandhar, carrying onions.

During interrogation, the petitioner and co-occupants have allegedly made disclosure statements in the context of their involvement in the operations in which contraband, i.e. 5 kgs. opium is alleged to have been recovered from a box situated at the back of the driver seat in the truck.

Learned counsel for the petitioner submitted that petitioner is neither the owner of the truck nor was involved in transportation of onions from Ferozepur to Jalandhar, rather, he was serving in a Bikaner Sweets Shop at Ferozepur.

The truck was intercepted by the police just 80 kms. short of Ferozepur on its way to Jalandhar.

Learned State counsel on instructions from A.S.I. Lal Jeet Singh stated that challan has already been presented and

charges have been framed. Now, the case is fixed for 31.05.2017 for prosecution evidence. The petitioner is not involved in any other case.

It would be debatable as to the ownership of the truck and recovery of contraband from conscious possession of the petitioner.

At this stage, without adverting anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing adequate bail bonds/ surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 30, 2017

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No