

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2133 of 2017

Date of Decision: 13.07.2017

Jasvir Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.106 dated 27.11.2015 registered for the offences punishable under Sections 22 of Narcotics Drugs and Psychotropic Substances Act, 1985; 61 of Punjab Excise Act 1914; and 483 of Indian Penal Code, at Police Station Cheema, District Sangrur.

Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Sunam, District Sangrur filed by learned State counsel is taken on record.

Heard.

The police effected recovery of 15 of bottles of Rexcof (100 ml. Each) and 240 bottles of country made liquor (*Mota Santra*). The petitioner was not apprehended at the spot. The petitioner has been nominated in this case on the statement of owner of car, who had stated that he had sold this car to petitioner. At the time of accident the car was having registration

number plate HR-3J-5547, which was also found to be fake.

Learned counsel for the petitioner submits that recovery was not effected from the petitioner in this case. There is no evidence on file that the petitioner was driving the car or had abandoned the same after the accident. Even otherwise, after the accident the car remained at the spot for quite a long time before recovery was effected.

Learned State counsel submits that in this case 13 out of 18 witnesses have already been examined. The police has nominated petitioner on the statement of previous owner of the car, who had stated that he had sold the same to petitioner.

The recovery in this case has not been effected from possession of the petitioner and it remains the matter to be ascertained by the trial Court, on the basis of evidence produced before it, as to whether petitioner was in conscious possession of contraband recovered from the car?

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jasvir Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his

presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

July 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No