

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-26821-2017

Date of decision: 04.08.2017

Karamjit Singh @ Manga

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sandeep Verma, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 439 Cr.P.C., the petitioner has prayed for grant of regular bail in case FIR No. 02 dated 05.01.2017, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act (NDPS) at Police Station Lalru, District SAS Nagar (Mohali).

2. Allegations against the petitioner are that he being a driver of the taxi, bearing registration No. PB-09-P-8981 along with his three co-accused was carrying 470 grams of Heroin.

3. Learned counsel for the petitioner contends that the petitioner was plying his taxi and the co-accused have hired his taxi to and fro from Jalandhar to Delhi for a sum of ₹ 6500/- and, thus, the petitioner was not aware as to whether his co-accused who have hired him were carrying any narcotic substance. He further contends that the petitioner is in custody

since 05.01.2017.

4. On the other hand, learned State counsel vehemently opposed the submissions made by learned counsel for the petitioner. On asking a specific question, the Investigating Officer ASI Gurbachan Singh, who is present in Court has stated that during investigation, it transpired that the petitioner plies his taxi regularly.

5. In view of the above, this Court is of the considered opinion that since the petitioner plies his taxi on hire basis, his complicity in the instant case, at this stage, cannot be commented upon and the same can only be ascertained during trial.

6. Considering the overall facts and circumstances of the case; without discussing the facts in minute detail; without expressing any opinion on the merits of the case and also the fact that the trial is likely to take time, the petitioner is held entitled to be released on regular bail during the pendency of the trial.

7. Consequently, the instant petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

8. It is clarified that anything observed here-in-above shall not be taken as an expression of opinion on the merits of the case and it shall not be treated as a condition precedent for grant of bail to the co-accused of the petitioner who were actually carrying the contraband.

August 04, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**