

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

**Criminal Misc. No. M-4252 of 2017**

**Date of decision : February 14, 2017**

Maninder Singh @ Gurmeet Singh

....Petitioner

versus

State of Punjab

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr.Sandeep S. Majithia, Advocate, for the petitioner  
Mr. Gurinderjit Singh, DAG, Punjab for the respondent

**Fateh Deep Singh, J. (Oral)**

The allegations against petitioner Maninder Singh @ Gurmeet Singh in this regular bail application under section 439 Cr.P.C. are that on 27.8.2016 police accosted three persons coming on a motorcycle being driven by Gurcharan Singh and from personal possession on search of Harjinder Singh @ Jinder son of Mahinder Singh, 250 grams of smack was recovered and subsequently on search of motorcycle No. PB02 BF 4287, 20 grams more smack was recovered.

The contentions of the counsel for the petitioner are that the petitioner has only taken lift on the motorcycle and that Harjinder Singh @ Jinder happens to be the registered owner of the motorcycle, thus, element of conscious possession is a debatable issue.

The bail is opposed by learned State counsel on the grounds that since three riders were on the motorcycle, determination of question of conscious possession is a matter of trial.

Appreciating the submissions, the contraband has been recovered from the right pocket of the pants worn by accused Harjinder Singh @ Jinder who also happens to be registered owner of the motorcycle from which more quantity of 20 grams was recovered, thus, a debatable issue having arisen as to the conscious possession and that the petitioner is in custody since 27.8.2016.

Keeping in view the same and the substantive period of incarceration undergone and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Amritsar.

The present petition stands disposed off accordingly.

**February 14, 2017**  
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**( Fateh Deep Singh )**  
**Judge**

*Whether speaking/reasoned ?*

*Yes/No*

*Whether Reportable ?*

*Yes/No*