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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46647-2017

Date of Decision:- December 14, 2017

Sarabjeet Singh alias Raju

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. I.P.S. Kohli, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
for the respondent State.

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr. P.C., for grant of regular bail in case bearing FIR No.116 dated 18.07.2016 registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act"), at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner contended that the petitioner was not found to be in possession of any narcotic substance at any point of time, rather the alleged recovery was effected from co-accused, namely, Sona Singh son of Jagsir Singh and Udham Masih son of Swaran Masih who are duly arrested and all the recovery proceedings were completed. The petitioner has been falsely implicated in this case on the ground that he is owner of the truck which was carrying narcotic substance, rather as per the copy of Registration Certificate and copy of Permit filed alongwith

report under Section 173 Cr.P.C., the same are again not in his name but Registration Certificate is in the name of one Balwinder Singh son of Raj Karan Singh and permit is in the name of Darshan Singh son of Hardeep Singh.

Learned State counsel while opposing the bail application contended that the alleged recovery is on higher side. More so, the petitioner is involved in one more case bearing FIR No.234 dated 19.08.2017 under Section 22 of the Act. The petitioner has been arrayed as an accused being owner of the truck, which was being used for carrying the narcotic substance. The alleged recovery was not effected from the present petitioner, but from the co-accused, who have already been arrested.

Having considered the submissions made by learned counsel for the parties and the fact that the petitioner was not found in possession of any narcotic substance in this case, rather the recovery was effected from co-accused, who have been arrested and proceedings regarding of recovery stood completed, it shall be a matter of decision during the trial, whether the truck in question is not in the name of present petitioner rather in the name of Darshan Singh. The decision of the case still to take some more time. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Area Magistrate, Kapurthala.

The petition stands allowed.

December 14, 2017

prince

**(SHEKHER DHAWAN)
JUDGE**

Speaking/Reasoned
Reportable

Yes
No