

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

CRM -M-8267 of 2017 (O&M)

Date of decision: 15.03.2017

Sunil Batra @ Gaurav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 91 dated 30.06.2016, registered under Section 22 of The Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Fazilka, District Fazilka.

It is contended that on the basis of secret information, at about 6.30 p.m., at Police Station Sadar Fazilka, FIR No. 89 was registered against four persons including the petitioner, namely Balkaran Singh, Saurav and Malkiat. Subsequently, on the same day, the petitioner was shown to be coming on motorcycle driven by co-accused Balkaran Singh and from the tool box of the said motorcycle, allegedly 260 gms of intoxicant powder was recovered. It is contended that the petitioner is a young boy of 19 years. He is neither the owner of the vehicle nor the

driver at the relevant time. He has already been admitted to bail in FIR No.89 registered a couple of hours before registration of the present FIR. The petitioner is in custody since 17.02.2017.

On the other hand, learned State counsel opposes the bail application and states that the recovery was effected from the tool box of the motorcycle whereon the petitioner was pillion rider.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is a young boy of 19 years; except FIR No.89 registered in the same police station a couple of hours earlier on the basis of secret information and the fact that the petitioner is neither the owner and nor the driver of the motorcycle; the challan stands presented; out of total 12 PWs, none has been examined so far; even all the PWs are official witnesses, therefore, it cannot be said that the petitioner will be able to influence the course of trial; the conclusion of trial will take a long time, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

15.03.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No