

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-8951 of 2017

Date of Decision: 15.05.2017

Jagtar Singh @ Happy

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kushaldeep S. Sandhu, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, 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. 193 dated 10.10.2016 registered for offences punishable under Sections 15 and 25 of the Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Dakha, District Ludhiana (Rural)

Heard.

As per case of prosecution, petitioner was arrested while driving a car bearing registration no. PB-01-A-7804 (a taxi having all India permit), in which Lakhwinder Singh was also travelling with him and a bag containing 55 kgs. of poppy-husk was recovered from back seat of that vehicle. During investigation, the police found that the aforesaid car belongs to Kuldeep Singh, who had further given it to co-accused- Lakhwinder Singh for use under an agreement.

Learned counsel for the petitioner submits that petitioner is working as driver in UAE and had come to India on 09.06.2016. Even if

version of prosecution be believed that petitioner was going with

Lakhwinder Singh in the aforesaid taxi, still it is a question to be proved that poppy-husk found on rear seat was in conscious possession of petitioner.

The petitioner, as per police version, was driving the vehicle in which Lakhwinder Singh, to whom taxi was given as per statement of Kuldeep Singh, recorded under Section 161 Cr.P.C., was sitting. The poppy-husk was stated to have been recovered from back seat of the vehicle and still it is a matter to be seen in the facts and circumstances of the case as to whether petitioner was in conscious possession of the contraband as he had no concern with the vehicle.

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-Jagtar Singh @ Happy 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.

May 15, 2017

jk

Whether speaking/reasoned

Whether reportable

**(SURINDER GUPTA)
JUDGE**

Yes/No

Yes/No