

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

CRM-M-9556 of 2017 (O&M)

Date of decision: 25.04.2017

Dalbir Singh @ Deeri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ankur Bansal, 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. 81 dated 19.04.2015, registered under Sections 15 & 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Bhargo Camp, District Jalandhar.

It is contended that the petitioner is neither owner of the truck nor the recovery of the contraband was effected from the conscious possession of the petitioner. The contraband in question was recovered from the stationary truck. In fact, the petitioner has been falsely implicated to save the owner of the truck. The petitioner is in custody since 19.04.2015.

On the other hand, the learned State counsel opposes the bail application and states that recovery in the instant case is a commercial

quantity. He further states that the statement of owner of the vehicle Dalwinder Singh son of Rattan Singh was recorded who has specifically stated that the petitioner being the driver, the vehicle was in the effective custody and control of the petitioner. However, such a version is contradicted by the statement made before the trial Court. Out of total 10 PWs, only 02 PWs remains to be examined.

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

Considering the fact that the petitioner is in custody since 19.04.2015; co-accused Harnek Singh @ Billa has already been admitted to bail by this Court, vide order dated 14.02.2017; 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.

25.04.2017

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(JITENDRA CHAUHAN)
JUDGE

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