

CRM-M-12945-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12945-2018

Date of Decision: 3rd May, 2018

Balkar Singh @ Jogi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.207, dated 15.11.2017, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').

It is the contention of the learned counsel for the petitioner that the petitioner was the second pillion rider on the motorcycle along with the co-accused. As a matter of fact, petitioner had taken a lift from Prempal Singh as he belongs to the village of the petitioner and therefore, petitioner had no knowledge about the fact that there were narcotic drugs on the motorcycle. His contention is that the petitioner is neither the owner of the vehicle nor is he connected with the commission of offence in any manner.

He further contends that the petitioner is in custody since 15.11.2017 and is

not involved in any other case relating to the NDPS Act. He, therefore, prays that the petitioner be granted the benefit of grant of regular bail during the pendency of the trial.

Counsel for the State could not dispute the factual assertion of the counsel for the petitioner, he, however, on instructions from ASI Pritam Singh, P.S. Sadar Muktsar Sahib, states that the charge has been framed and further, he was found riding the same motorcycle from where the recovery of narcotic drugs has been effected and therefore, may not be granted the benefit of regular bail.

I have considered the submissions made by the counsel for the parties and keeping in view the facts that the petitioner is in custody since the date of his arrest i.e. 15.11.2017, he is not involved in any other case under the NDPS Act except for the present one where he states that he was merely a pillion rider, trial is not likely to conclude in near future as none of the prosecution witnesses has been examined till date and it would be the matter of evidence with regard to the involvement of the petitioner in the commission of offence, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

3rd May, 2018
Harish

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