

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

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CRM-M No.19838 of 2018

Date of Decision: May 15th, 2018

Ravinder Gill @ Ravi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Satbir Gill, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail by filing the present petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.18 dated 11.02.2018 registered at Police Station Ding, District Sirsa, under Section 21 of the NDPS Act.

It is the contention of learned counsel for the petitioner that the petitioner is alleged to have been driving the Swift car, from the dashboard whereof, recovery of 52.05 grams of heroin has been effected. Counsel contends that two of the co-accused of the petitioner, namely Anil Kumar alias Kala and Sunny, have been granted the benefit of regular bail. He contends that the petitioner is not the owner of the vehicle, rather co-accused Honey alias Pahari is the owner of the vehicle and, therefore, the petitioner would not know that some contraband was present in the dashboard of the vehicle. His submission is that the petitioner is in custody since 12.02.2018. Challan has been presented but till date the charge has not been framed and, therefore, the trial is not likely to conclude in near future.

Counsel for the State, on instructions from ASI Dilbag Singh,

Police Station Ding, could not dispute the facts, as have been stated by the

counsel for the petitioner. He, however, states that the petitioner was the driver of the vehicle and cannot take the plea that he was not aware of the fact that the contraband was in the dashboard of the vehicle. He states that apart from the present case, there are three other criminal cases registered against the petitioner but under the NDPS Act, this is the only case.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner was only the driver of the vehicle with the recovery being only of 52.02 grams of heroin, with the trial not likely to conclude in near future, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

May 15th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No