

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

CRM-M-21829-2018 (O&M)

Date of Decision:-5.7.2018

Gursewak Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional, Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

Petitioner Gursewak Singh has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.45 dated 17.7.2017 under Sections 21/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sarai Amanat Khan, District Tarn Taran.

The allegations in nutshell are that upon receipt of secret information, barricading was raised by the police and a vehicle i.e. Mahindra XUV bearing registration No.PB-02-CH-6100 was apprehended, which was being driven by Sandeep, while Mandeep Singh, Garhgajjit Singh, Bachittar Singh and the petitioner Gursewak Singh were sitting as passengers in the same. Upon search of the vehicle in question 500 grams of heroin was recovered, which had been kept concealed in the storage box in between two front seats of the vehicle in question.

Notice of this petition was issued to the State.

The learned State counsel has opposed the petition.

In the present case, two of the other co-accused namely Mandeep Singh and Bachittar Singh were identically situated have already been ordered to be released on bail by this Court. The present petitioner has been behind bars since the last about 11 months. Though charges have been framed against the accused but no prosecution witness is stated to have been examined so far. It would be debatable as to whether the present petitioner can be attributed conscious possession of the recovered heroin or not. Conclusion of trial is likely to take some time. No useful purpose will be served by detaining the petitioner behind bars any further. In view of abovesaid facts and circumstances of the case and also on grounds of parity, the present petition is accepted. Petitioner Gursewak Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Special Judge, Tarn Taran.

This petition stands disposed of accordingly.

5.7.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No