

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

**CRM-M No.27093 of 2018
Decided on: 10.07.2018**

Jagdeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Gungirat Kaur, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.9 dated 24.01.2018, for offence punishable under Sections 21, 25 and 29 of the Narcotic Drug and Psychotropic Substances Act (in short 'the NDPS Act'), registered at Police Station Kamboj, District Amritsar.

Counsel for the petitioner has submitted that the FIR was registered on a secret information and the recovery was effected from the dashboard of the car, which was driven by co-accused Harbhej Singh @ Jawed and the co-accused/his mother namely Manjeet Kaur was sitting on the co-driver seat. It is further submitted that as per the allegation in the FIR, the petitioner was found sitting on the back seat of the car along with one Amrik Singh and, therefore, it will be a debatable issue to be decided during the course of trial as to whether

the recovery which was effected from the dashboard of the car was in the conscious possession of the petitioner or not as the petitioner is not even the registered owner of the car.

Counsel for the petitioner has further argued that the recovery is of 260 gms. of heroine, which is marginally more than the commercial quantity. It is further submitted that the petitioner is in judicial lock up since 27.01.2018 and challan has already been presented, charges are yet to be framed and conclusion of the trial will take some time.

Counsel for the State, on instructions from ASI Virneet Singh, has not disputed the factual position but opposed the prayer for bail. It is further submitted that the registered owner of the car was one Ashok Kumar, from whom, the co-accused i.e. friend of Ashok Kumar, has taken the car.

Without commenting anything on merits of the case and considering the fact that the petitioner is not involved in any other case; recovery was effected from the dashboard of the car; it has to be decided during the course of trial as to whether the petitioner was in conscious possession of the heroine and whether the recovery is marginally higher than the commercial quantity or not and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the

concession of bail, in any manner.

10.07.2018

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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No