

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

**CRM-M-28443-2018
Date of decision: 26.09.2018**

Jashandeep Singh @ Jassi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Monty Goyal, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 12 dated 01.02.2015, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Payal, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was granted interim bail on 23.03.2015 by the Additional Sessions Judge awaiting the FSL report and was appearing before the trial Court and again the petitioner is in custody w.e.f. 03.05.2018.

Learned counsel for the petitioner further submits the petitioner is not involved in any other case and it will be a debatable issue whether the petitioner was found in conscious possession of the contraband recovered as the petitioner was a pillion rider on the motorcycle and the petitioner is not the registered owner of the said motorcycle.

Learned counsel for the petitioner further submits that it is

likely to take a long time in conclusion of the trial.

Learned State counsel, on instructions from HC Pargat Singh, submits that as per the report submitted under Section 173 Cr.P.C., it has not come on record as to who is the registered owner of the motorcycle bearing registration No. PB-55-B-7574 which was driven by co-accused Manpreet Singh @ Rupa. It is further stated that out of total 09 prosecution witnesses, 03 witnesses have been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is a first offender; he was on interim bail for a considerable long time awaiting the FSL report and has not misused the same; he is not the registered owner of the motorcycle cycle which was driven by the co-accused at the time of occurrence and also considering the fact that he is in custody for the last more than six months and only three prosecution witnesses have been examined so far; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two sureties of the like amount to the satisfaction of the trial Court/Duty Magistrate concerned.

September 26, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No