

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

**CRM-M-29926-2018
Date of Decision: 29.08.2018**

Sikander Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C in case FIR No.35 dated 23.02.2018 registered under Sections 15/25/61/85 of NDPS Act at Police Station Sangat, District Bathinda.

2. Petitioner is owner of the truck which was seized during transit of vehicle being driven by one Gurcharan along with cleaner Mohd. Naseer. Police personnels have found intoxicants i.e. 300 k.g. poppy husk. Petitioner is in custody since 24.02.2018 and he is not involved in any other case. He is just owner of the truck as disclosed by the driver and cleaner of the truck.

3. Learned State counsel filed reply by way of affidavit of Davinder Singh, PPS, Deputy Superintendent of Police (R), Bathinda, in Court and the same is taken on record. Learned State counsel submitted that truck do not stand in the name of the petitioner as it has not been formally transferred. To that extent, original owner has filed Special Power of Attorney. However, he admitted the fact of recovery from driver and cleaner namely Gurcharan Singh and Mohd. Naseer and not from the petitioner.

4. In view of these facts and circumstances, petitioner is not directly involved in the offence and that he has made out prima facie case. Hence, he is entitled for regular bail. Therefore, petitioner-Sikander Singh is ordered to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

5. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

6. Petition is allowed accordingly.

29.08.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**