

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

CRM-M No.33307 of 2018

Date of decision : 22.11.2018

Surinder Singh alias Chhinder

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. P. S. Sekhon, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Surinder Singh alias Chhinder has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.110 dated 11.06.2017 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the - 'NDPS Act') registered at Police Station – Moga City, Distt. Moga, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. As per the allegations in the FIR, the driver of the car ran away and the petitioner has been shown to be sitting on the seat adjoining to the driver seat. Petitioner is neither the driver nor the owner of the vehicle. Neither any statement of the owner of the vehicle has been recorded nor the driver has been arrested by the police. Learned counsel also submits that co-accused of the petitioner namely Jagdev Singh

alias Deban has been released on anticipatory bail by this Court. All the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the evidence. Petitioner is in custody since 11.06.2017. Trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has opposed the bail on the ground of huge quantity but has not disputed the custody period undergone by the petitioner and also non-arrest of the driver and also the fact that petitioner is neither owner nor driver of the vehicle. Learned State counsel submits that two more cases are there against the petitioner, whereas learned counsel for the petitioner submits that in those cases, the petitioner is on bail.

Keeping in view the custody period of more than one year and three months undergone by the petitioner and also the fact that one of the co-accused has been released on anticipatory bail and two others have not been arrested, in two more cases the petitioner is on bail, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court. However, it is made clear that petitioner is found involved in any other case of NDPS Act, the State is at liberty to move application for cancellation of bail.

22.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No