

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42144 of 2018
Date of Decision: 28.09.2018

Manjit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Surinder Mohan Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.478 dated 10.12.2017 registered for offences punishable under Sections 22/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Focal Point, Ludhiana.

Heard.

As per case of prosecution, two persons, namely, petitioner-Manjit Singh and Kamaljit Singh were apprehended on the basis of suspicion on 10.12.2017. Both were carrying one plastic bag each in their hands. From the plastic bag carried by co-accused, Kamaljit Singh, 55 injections of 2 ml. each of 'Buprenorphine' were recovered while from possession of petitioner 55 injections of 10 ml. each of 'Avil' (not a contraband) were recovered.

Learned State counsel has argued that both petitioner and his co-accused, namely, Kamaljit Singh, were apprehended at one point of time,

as such, the petitioner has also been challaned for offence punishable under Section 29 NDPS Act being a conspirator in conscious possession of the contraband found with Kamaljit Singh.

It is a fact to be seen on the basis of evidence as to whether petitioner was conspirator or was in conscious possession of contraband recovered from co-accused, namely, Kamaljit Singh? Admittedly, injections recovered from the petitioner were not contraband and the recovery from both the persons, namely, petitioner-Manjit Singh and co-accused, Kamaljit Singh, were separate.

In view of above, but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Manjit Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 28, 2018
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No