

CRM-M-42274 of 2018

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

CRM-M-42274 of 2018
Date of Decision: 10.10.2018

Tehla Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. P.K.S. Phoolka, Advocate, for the petitioner.
Mr. A.P.S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.0030 dated 02.02.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Raman, District Bathinda.

According to the prosecution, on 02.02.2018 petitioner along with his co-accused, namely Lovedeep Singh @ Labhu was apprehended in conscious possession of 40 bottles of ONEREX and 40 strips each containing 10 tablets of CARISOMA without any permit or license.

Learned counsel *inter alia* contends that petitioner has been falsely implicated. The bag in which the alleged contraband is recovered, according to the own version of the prosecution, had fallen on the road. Therefore, conscious possession of the petitioner alone over the alleged contraband is not proved, more particularly when two persons were riding

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the motorcycle from which the bag having alleged contraband had fallen. Petitioner is behind bars since 02.02.2018. Co-accused of the petitioner, namely, Lovedeep Singh @ Labhu has been granted regular bail by this Court vide order dated 30.08.2018 passed in CRM-M-26803 of 2018. Treating the case of the petitioner on the same parity, he may also be granted regular bail. Conclusion of trial may take a sufficient long time. No useful purpose would be served by keeping the petitioner behind bars during trial.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioner.

Considering overall circumstances and treating the case of the petitioner on the same parity as that of his co-accused, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

October 10, 2018

R.S.

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No