

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

CRM-M-44364-2018
Date of Decision: 27.11.2018

Darshan Singh

...Petitioner

vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Krishan K.Chahal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 289 dated 09.06.2018 under Section 20 of the NDPS Act registered at Police Station Barwala, District Hisar.

Counsel for the petitioner submits that as per the allegations in the FIR, the petitioner, who is the driver of the three wheeler, was coming alongwith two co-accused, namely, Bani and Bimla and the police, on receiving a secret information that both the co-accused were involved in business of selling illegal intoxicant, apprehended them and recovered the contraband from Bani and Bimla. Counsel further submits that it has come in the disclosure statement of the petitioner that the entire fare was Rs. 500/- and he was offered Rs.5,000/- by the co-accused and out of greed, he has taken his three wheeler to take Bani and Bimla.

Learned counsel for the petitioner further submits the petitioner is in judicial custody since 09.06.2018 and he is not involved in any other case and it will be a debatable issue whether the petitioner was in conscious

possession of the contraband recovered from the co-accused.

Learned Sate counsel, on instructions from ASI Ajmer Singh and on the basis of custody certificate dated 12.10.2018, has not disputed the factual position.

Heard.

Without commenting anything on merits of the case, considering the aforesaid submissions made by counsel for the parties, the present petition is allowed and petitioner-Darshan Singh is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

27.11.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No