

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

**CRM-M-45326-2018
Date of decision: 22.10.2018**

Balkar Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Dharmender Kumar Sihag, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 10 dated 27.02.2018, under Section 22 of the NDPS Act, 1985, registered at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner submits that as per the allegations in the FIR, co-accused Satnam Singh is the owner and driver of the truck from where the recovery was effected and it will be a debatable issue whether the petitioner, who was working as Cleaner/Conductor on the said truck, was in conscious possessions of the contraband recovered.

Learned counsel for the petitioner further submits that entire investigation was conducted by ASI Ravinder, therefore, it will also be a debatable issue whether the judgment rendered by Hon'ble Supreme Court in *Mohan Lal vs. State of Punjab, 2018 (3) Law Herald (P&H) 2397 (SC)* will be applicable to this case or not.

Learned counsel for the petitioner further submits that the

petitioner is in judicial custody since 01.03.2018 and he is not involved in any other case.

Learned State counsel, on the basis of the custody certificate and on instructions from HC Partap Singh, has not disputed the aforesaid facts and submitted that out of total 07 prosecution witnesses, 02 have been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody since 01.03.2018; he is not involved in any other case and also in view of the judgment rendered by Hon'ble Supreme Court in ***Mohan Lal's case (supra)***, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 22, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No