

CRM-M-877-2018

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

CRM-M-877-2018

Date of Decision: 3rd April, 2018

Satpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.95, dated 14.09.2017, registered at Police Station Mehna, District Moga, under Sections 22, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').

It is the contention of the learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He contends that the only allegation which can be attributed to the petitioner is that the petitioner is the owner of vehicle No.PB-10-EY-2017-Temp-8843, which was used in the commission of offence, where recovery of 1 Kg. of

intoxicant powder i.e. Alprazolam has been effected from co-accused Simran Kaur @ Indu. His submission is that except the fact that the petitioner is the owner of the said vehicle and the vehicle stands registered in his name, nothing implicates him in the commission of offence. He further contends that there is a subsequent FIR i.e. FIR No.184 dated 15.09.2017 under Section 22 of the NDPS Act, in which, petitioner has been roped and recovery of 660 tablets of Alprozolam has been shown to be effected from him. He contends that prior to the registration of the FIR in question in which the petitioner is seeking bail, there was no other FIR under the NDPS Act, which was registered against the petitioner. His submission is that the petitioner stands arrested on 07.11.2017 and is in custody since then. He submits that the challan in the present FIR has been presented before the trial Court and charges have also been framed but till date, no prosecution witness has been examined.

Counsel for the State, on instructions from ASI Satnam Singh, P.S. Mehna, District Moga, could not dispute the factual assertion as has been made by the counsel for the petitioner's counsel, however, he states that the recovery, which has been effected from the co-accused of the petitioner, is commercial in nature and therefore, petitioner should not be granted the benefit of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody since 07.11.2017 and the trial is not likely to conclude in near future as also the petitioner being the owner of the vehicle, which is said to have been used in

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the commission of offence, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

3rd April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No