

Crl. Misc. No. M-9066 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-9066 of 2018

DATE OF DECISION:01.06.2018

Ranjit Singh @ Kali

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Munish Behl, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Ranjit Singh @ Kali in case FIR No. 55 dated 3.7.2017 registered under Sections 18 & 25 of Narcotic Drgus and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') and Sections 61 and 85 of the Act (added later on) at Police Station Joga, District Mansa.

Learned counsel for the petitioner contends that the petitioner is not involved in the alleged offence. As per case of the prosecution, the driver of the car tried to throw contraband from the car and the petitioner was just sitting beside him. The petitioner was not aware as to what was there in the polybag. The recovery was not effected from the personal possession of the petitioner and he cannot be connected with the offence.

The petitioner is in custody since 3.7.2017 and all the witnesses are official and there is no possibility that the petitioner may influence them or tamper with the evidence. Learned counsel also contends that the recovery was effected from the car, in which three persons were sitting and if the same is bifurcated amongst three persons then the same falls under non-commercial quantity.

Learned counsel for the respondent-State has not disputed the custody period and the fact that the car does not belong to the petitioner.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the FIR.

By considering the arguments advanced by both the parties and the facts that the car does not belong to the petitioner; recovery was not effected from the personal possession of the petitioner; petitioner is in custody since 3.7.2017; trial may take long time to conclude and all the witnesses are official, the present petition is allowed. Petitioner-Ranjit Singh @ Kali is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

June 01, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No