

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 24.04.2019

1. CRM-M-5630-2019

Varun Kumar @ Beenu

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-8328-2019

Ravinder Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners.

SI Som Lal.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.37 dated 10.11.2018 under Section 22 of NDPS Act, registered at Police Station Patara, District Jalandhar (Rural).

As per allegations in the FIR, the Investigating Officer found a scorpio car parked on the roadside, in which four persons were sitting. On suspicion, he apprehended the driver and on asking, he disclosed his name as

Teg Singh @ Tega and petitioners Ravinder Kumar and Varun Kumar @ Beenu were sitting in the car along with one another persons namely Rafi @ Shaka. The Investigating Officer gave them an option to be searched before Magistrate or a Gazetted Officer and when they reposed faith on him, he conducted the search. It is further stated in the FIR that at the first instance, personal search of all four persons was conducted, in which nothing was recovered. Thereafter, search of the scorpio car was conducted, from which a polythene bag was recovered, concealed underneath the driver seat, which was containing 134 buprenorphine injection rexogetic 2 ml and 134 pheniramine maleate injections IP Avil 10 ml and the same were taken into possession and were sent for FSL examination.

A perusal of the custody certificate dated 04.03.2019 shows that none of the petitioner is involved in any other case under the NDPS Act and they are in custody since 12.11.2018.

SI Som Lal has submitted that during the investigation, it is found that owner of the scorpio car is Kulwant Kaur, wife of co-accused Teg Singh @ Tega, who was found driving the vehicle. It is further stated by him that challan has been presented, however, no prosecution witness has been examined.

From perusal of the FIR, it will be a debatable issue whether both petitioners Ravinder Kumar and Varun Kumar @ Beenu, from whom, during their personal search, nothing was recovered, were in conscious possession of the contraband, recovered underneath seat of the driver/co-accused Teg Singh @ Tega, whose wife is registered owner of the car.

Without commenting anything further on merits of the case, both these petitions are allowed and petitioners Varun Kumar @ Beenu and

Ravinder Kumar are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petitions are disposed of.

A photocopy of this order be placed on the file of connected case.

[ARVIND SINGH SANGWAN]
JUDGE

24.04.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No