

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

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CRM-M-13184-2019 (O & M)
Date of Decision:22.04.2019

Gurjant Singh @ Janta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S. Sekhon, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Gurjant Singh @ Janta has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.101 dated 08.06.2018, under Section 22 of the NDPS Act, registered at Police Station Baghapurana, District Moga.

The case of the prosecution is that on 07.06.2018, the police party in connection with special nakabandi (check post) were present on Budh Singh Wala Road, Baghapurana. At about 6.30 pm, two motorcycles i.e. one black coloured splendor motorcycle bearing registration No.PB-02-CB-7461 and another silver coloured motorcycle bearing registration No.PB-02-CZ-6648 on which co-accused of the petitioner came there. Both the motorcycles were stopped by the police officials. Upon search, different quantities of contraband were recovered from the motorcycles. Motorcycle

bearing registration No. PB-02-CZ-6648 used for carrying contraband was in the name of the petitioner and, therefore, the petitioner has been nominated as an accused under Section 25 of the NDPS Act.

Learned counsel for the petitioner contends that the petitioner has been indicted in this case being the owner of the vehicle, which was being driven by Amrit Pal Singh from whom the recovery of contraband was effected. The petitioner had been indicted for the offence punishable under Section 25 of the NDPS Act. He further contends that investigation in the case is complete and one prosecution witness out of 17 has been examined.

On the other hand, the bail application is opposed by the learned State counsel on instructions from ASI Jaswir. However, it is not disputed that the petitioner is not indicted for having in his possession the alleged contraband which already stood recovered from Amrit Pal Singh. It is also not in dispute that the charges against the petitioner was framed only for the offence punishable under Section 25 of the NDPS Act.

Considering the above facts and circumstances, the stage of the trial which is likely to consume some time, further custody of the petitioner is not justifiable. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

22.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No