

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

**CRM-M No. 14323 of 2019
Date of Decision:-12.09.2019**

Jaswinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Ms. Ritu Punj, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Jaswinder Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 141 dated 21.9.2018, under Sections 22 and 25 of NDPS Act, registered at Police Station City-II, Khanna, District Ludhiana.

The prosecution case is that on 21.09.2018 ASI Sukhwinder Singh along with other police officials were present near T-Point Madain Road in connection with checking of bad elements. Then on motorcycle bearing registration No.PB-10-DT-5384, Jaswinder Singh (petitioner) along with his co-accused Jatinder Singh and Sujad Singh were coming. The

motorcycle was being driven by petitioner Jaswinder Singh. On seeing the police party, one of the accused sitting on the pillion threw away a polythene from which subsequently 8600 intoxicating tablets, 204 capsules of PARVAN SPAS and 190 tablets of Tarmosat were effected. The motorcycle was stopped and the accused were arrested by the police party.

Learned counsel for the petitioner contends that the petitioner was driving the motor-cycle and two other persons were the pillion riders. According to learned counsel, the pillion rider was having possession of the alleged contraband, which was allegedly thrown by the pillion rider and the same cannot be attributed in the conscious possession of the petitioner, who was driving the motor-cycle. She submits that the petitioner is in custody since 21.9.2018 and no witness has been examined by the prosecution. She also submits that the petitioner is not involved in any other case muchless of similar nature.

On the other hand, learned State counsel, who is assisted by ASI Nagdev Singh opposed the prayer and fairly states that the prosecution has not examined any witness so far. It is also not disputed that the petitioner was driving the motor-cycle and one of the co-accused has already been extended the concession of regular bail by this Court vide order dated 21.5.2019 passed in CRM-M-57238-2018.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to

his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Ludhiana.

The petition is allowed.

September 12, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No