

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

CRM-M No.19432 of 2019 (O&M)
DATE OF DECISION : 29th OCTOBER, 2019

Malkiat Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Akbarjit Singh, Advocate for the petitioner.
Mr. Harbir Sandhu, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.151 dated 23.09.2018 registered under Section 21 of NDPS Act at Police Station Bhogpur, District Jalandhar Rural.

Learned counsel for the petitioner contends that the case against the petitioner is concocted. The case has been fabricated against the petitioner only for the reason that he was travelling as a passenger in the car driven by the co-accused from which 300 grams of heroin was recovered. It is further contended by the counsel that the petitioner has nothing to do with the said co-accused or the car in question. The said car does not belong to the petitioner. He was travelling in the car on the said date only as a passenger for hire. It is also contended that even during the investigation, the Police have not been able to collect any evidence to connect the petitioner to the alleged recovery. There is no other case of any kind against the petitioner. Challan has already been

filed. The petitioner is in custody since 23.09.2018. He is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, learned State Counsel, on instructions from the police official, submits that the petitioner is involved in a case of recovery of commercial quantity of heroin. He was arrested from the spot, while travelling in the same car in which the heroin was found. However, it is not disputed that the said car does not belong to the petitioner or that he is not the owner or driver of the said car. It is also not denied that the petitioner is in custody since 23.09.2018 and that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

29TH OCTOBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No