

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19831-2019

Date of Decision: 07.05.2019

Narayan Sharma

.... Petitioner

Versus

Customs & Central Excise Department

.... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Jagmohan Bansal, Advocate for the petitioner.

Mr. Anshuman Chopra, Advocate for the respondent.

**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 439 Cr.P.C., petitioner-Narayan Sharma, has prayed for grant of regular bail in a case registered under Section 135 of the Customs Act, 1962, by Customs Department at Amritsar.

Reply filed by respondent is taken on record. Be tagged at the appropriate place. A copy thereof, has been supplied to learned counsel for the petitioner.

According to the prosecution, on 22.03.2019, driver of bus, namely; Sahib Singh, who was carrying the passengers from Indigo Flight returned from Dubai to Amritsar Airport, was apprehended with 1 Kg gold. On interrogation, he disclosed that on instructions of Pardeep Saini, Assistant Manager Fire Services of the Airport Authority of India, he carried the alleged gold with him. Said Pardeep Saini, was also arrested, who on interrogation disclosed the name of petitioner as carrier

of 1 Kg gold from Dubai, on behalf of one Vaibhav Rai. Consequently, the petitioner was arrested on 26.03.2019 and during custody he was also summoned by Custom Authorities, Amrisar. During interrogation, the petitioner disclosed the names of all the persons, who were involved in smuggling gold from outside countries to India.

Learned counsel *inter alia* contends that the petitioner has falsely been implicated in the instant case and the main accused are still at large. The offence is bailable. Petitioner is in custody 26.03.2019. Conclusion of trial may take long time. No useful purpose would be served by detaining him in jail. Nothing has to be recovered from him.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Narayan Sharma, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

**May 07, 2019**  
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**(RAMENDRA JAIN)**  
**JUDGE**

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|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |