

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

**CRM-M-19516-2019
Date of decision: 16.08.2019**

Bani Singh**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 289 dated 09.06.2018, registered under Sections 20/61 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Barwala, Hisar.

Learned counsel for the petitioner, at the very outset, submits that three of the co-accused, namely Darshan Singh, Bimla and Satish Kumar, have already been granted concession of regular bail.

Learned counsel for the petitioner further submits that as per the averments in the FIR, Investigating Officer ASI Dinesh Kumar received a secret information that the petitioner, along with aforesaid three accused persons, is coming from Hisar in a three wheeler along with some contraband, pursuant to which, a raid party was constituted. Thereafter, the said three wheeler was stopped and all the the four persons were apprehended and 10 Kgs of *Ganja* was recovered.

Learned counsel for the petitioner further submits that as per the version in the FIR, co-accused Darshan Singh was the driver of the said three wheeler and since recovery was effected from the vehicle, it will be a debatable issue as to who was in the conscious possession of the contraband recovered as the petitioner was not driving the vehicle.

Learned Stated counsel has filed custody certificate which is taken on record. As per the custody certificate, the petitioner is in judicial custody for 01 year, 01 month and 29 days and he is on bail in two other cases. Learned State counsel submits that out of total 09 prosecution witnesses, 02 witnesses have been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions of the learned counsel for the parties and also in view of the fact that conclusion of the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

16.08.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No