

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

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CRM-M-20538-2019 (O & M)
Date of Decision:13.05.2019

Harish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Charan Jit Sharma, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.76 dated 28.06.2018, under Section 22 of NDPS Act registered at Police Station Sadar Faridkot, District Faridkot.

The prosecution case is that on 28.06.2018 when the police party was holding a special Nakabandi, one motorcycle bearing registration No.PB-46F-0645, on which two young boys were riding, were signalled to stop. On seeing the police party, they became perplexed and tried to turn back the motorcycle but the said motorcycle suddenly went off and ultimately on the basis of suspicion, they were arrested by the police. There was one polythene paper bag of black colour, carried on motorcycle, put in between both of them. Upon search of the accused as well as polythene

paper bag, 100 strips of intoxicated tablets consisting 10 tablets in each strip marka CALVIDOL-100 SR, batch No.DTDT415 (total 1000 tablets) were recovered.

Learned counsel for the petitioner contends that the petitioner was allegedly driving the vehicle which belongs to his co-accused. According to him, the alleged contraband was also held by the pillion rider. It is contended that the conscious possession of the alleged contraband is seriously debatable as far as the petitioner is concerned. According to him, the trial is in progress and 8 out of 14 prosecution witnesses have been examined and all of them are official witnesses.

On the other hand, learned State counsel on instructions from ASI Beant Singh has opposed the bail application and produced the custody certificate of Lalit Kumar Kohli, PPS, Deputy Superintendent, Central Prison Faridkot, dated 11.05.2019, which indicates that the petitioner has already undergone a period of more than 10 months.

Considering the case set up by the prosecution, and the fact that the trial is likely to consume some more time to conclude, further detention of the petitioner may not be justified. 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.

13.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No