

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

207

CRM-M-44349-2018 (O & M)
Date of Decision:01.03.2019

Gurbaksh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.K. Arya, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Gurbaksh Singh has filed this petition seeking regular bail in case FIR No.01 dated 17.06.2018, under Sections 18/21/22 of the NDPS Act, 1985 and under Sections 420/465/468/471 of the Indian Penal Code ('IPC' – for short) registered at Police Station Patara, District Jalandhar (Rural).

Petitioner is in custody since the date of his arrest i.e. on 17.06.2018. As per the prosecution, a secret information was received and acting upon the same, a '*naka*' (check post) was set up. Vehicle No.RJ-13-CB-0504 was stopped and the occupants of the same were namely Ajit Singh and Davinder Singh @ Dev. After search of the vehicle, 6 Kg opium and 5 Kg Ketamine were recovered.

According to the prosecution, the petitioner along with his another co-accused namely Tarlochan Singh were following the said vehicle

in a car bearing No.PB-08-CQ-3360.

Learned counsel for the petitioner has contended that the alleged contraband has been recovered from Ajit Singh and Davinder Singh @ Dev and no recovery has been effected from the vehicle which was following the vehicle carrying the contraband. It is further argued that his co-accused namely Tarlochan Singh has already been extended the concession of regular bail vide order dated 17.09.2018.

On the other hand, the bail application is opposed by the learned State counsel who is assisted by ASI Krishan Lal on the ground that the offence is serious and it is pointed out that a fake ID was recovered from the petitioner. According to him, the petitioner used this fake ID to send the courier to the foreign countries. However, he is unable to show any material to establish that the petitioner ever sent any kind of contraband to any foreign country. It is also not disputed that the petitioner is not involved in any other similar nature case.

Considering the above background, the stage of the trial which is likely to consume more time and the fact that only 2 prosecution witnesses have been examined out of total 19 witnesses, further custody of the petitioner is not justifiable. Therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

01.03.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No