

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

**CRM-M-46741-2018
Date of decision: 03.09.2019**

Mehtab Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Raj Kumar Gupta, Advocate for
Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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. 175 dated 02.09.2018, registered under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) and Sections 472, 473 of the IPC at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party apprehended co-accused Babli Singh and Reena Dass along with a canter. The police, thereafter, served them with a notice under Section 50 of the NDPS Act and as per their consent, the DSP was called at the spot and in his presence, search was conducted, in which, 08 Kgs. and 07 Kgs. of opium was recovered from co-accused Reena Dass and Babli Singh, respectively.

Learned counsel for the petitioner further submits that after recovery, the aforesaid accused persons were arrested and in their disclosure

statement, it has come that petitioner has prepared a fake registration certificate of the vehicle from where, the contraband was recovered.

Learned counsel for the petitioner further submits that the challan stands presented, however, the investigating agency has not joined the registered owner of the said canter or the supplier of the contraband, therefore, the disclosure of the co-accused is not followed by any recovery.

Learned counsel for the petitioner further submits that the primary allegations against the petitioner are that he prepared a fake registration certificate of the said vehicle, therefore, it will be a debatable issue whether the petitioner was found in conscious possession of the contraband, who was in fact not arrested at the spot.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and he is in judicial custody since 15.09.2018.

Learned State counsel, on instructions from ASI Nirmal Singh and on the basis of the custody certificate filed today in Court, has not disputed the factual position as submitted by learned counsel for the petitioner. As per custody certificate, the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, 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 concerned.

03.09.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*