

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

CRM-M-47823-2018 (O&M)

Date of decision: 17.05.2019

Sanju Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. D. N. Ganeriwala, Advocate
for the applicant-petitioner.

Mr. Sidakmeet Sandhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-16221-2019

Allowed as prayed for.

Copy of the statement of PW-2/Investigating Officer ASI

Kirpal Singh is taken on record as Annexure P-4.

CRM-M-47823-2018

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. 119 dated 09.12.2017, registered under Section 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Sunam, District Sangrur.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on the basis of a secret information, it was informed that the petitioner is in the business of selling narcotic substances

and is going in a truck bearing registration No. PB-13-AW-7219 carrying a heavy quantity of the poppy husk and he can be apprehended if a *naaka* is laid. On receiving the information, the police laid a *naaka* and signalled the truck of the petitioner to stop, however, on seeing the police party, he stopped the truck 20 yards away from the police party and ran away from the spot.

Learned counsel for the petitioner further submits that statement of the IO/ASI Kirpal Singh is recorded as PW-2 in which, he has clearly stated that the petitioner stopped the truck 20 yards away from the police party and ran away and though the police party was consisting nine officials, still none of them could apprehend the petitioner. Thus, it will be a debatable issue whether the petitioner, who was not arrested at the spot, was in conscious possession of the contraband or not.

In reply, learned State counsel, on instructions from HC Sikander Singh, submits that the father of the petitioner is the registered owner of the truck and even the Aadhar Card of the petitioner was found inside the truck. Learned State counsel has filed custody certificate and submitted that petitioner is involved in one more case.

I have heard learned counsel for the parties.

A perusal of the custody certificate shows that petitioner is in judicial custody for the last eight months and 12 days and the case is still at the stage of recording the statement of the prosecution witnesses.

In view of the above, without commenting upon the merits of the case, considering the fact that the petitioner was not arrested at the spot and he is in judicial custody for the last more than eight months, 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.

17.05.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>