

213

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

CRM-M-48987-2018

Date of decision-03.04.2019

Gurmeet Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Sandhu, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Gurmeet Singh has prayed for grant of regular bail in case FIR No.254 dated 08.11.2017 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1881 (in short 'NDPS Act') registered at Police Station Lambi, District Sri Muktsar Sahib. The petitioner is in custody since his arrest on 08.11.2017.

As per the version in the FIR, a naka was set up by Police and a motorcycle was seen coming which was stopped. The petitioner was one of the riders of that motorcycle which was being driven by Sonu Singh and another person Ramesh Kumar was sitting in between the driver and the petitioner. Ramesh Kumar was holding a bag and it was suspected that it contained some intoxicant material. After the completion of formalities as

contemplated under the NDPS Act, recovery of 600 capsules of parvorin-spas and 2000 tablets of digifresh 0.6 (Alprazolam 0.5) and 1000 triesr tablets (each containing 10 tablets total 1000 tablets) was effected.

Learned counsel for the petitioner contends that it is seriously debatable as to whether the petitioner is having conscious possession of the alleged contraband which was found in possession of co-accused-Ramesh Kumar. It is contended that the challan in the case was filed on 26.03.2018 and the charges were framed on 09.04.2018. According to him, there are in all 10 witnesses and the examination of the same will take considerable time. It is also not disputed that the petitioner is not involved in any other case much less under the NDPS Act.

On the other hand, learned State counsel assisted by HC Sukhdev Singh opposed the bail application. It is contended that the commercial quantity of the contraband was recovered from the co-accused of the petitioner and since he was riding on same motorcycle, he was also aware of this substance being carried by co-accused-Ramesh Kumar. However, it is not disputed that only three witnesses have been examined so far and seven still remain to be examined.

Considering the above background of the case and the case set up by the prosecution against the petitioner as well as the custodial period suffered by the petitioner, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case 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, Sri Muktsar Sahib.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

03.04.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No