

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

**Criminal Misc. No. M-48159 of 2017
Date of decision: 25.03.2019**

Daljit Singh and another

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Kushaldeep S. Sandhu, Advocate
for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C. for grant of regular bail to them in case FIR No.158 dated 11.07.2017 registered under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Meharban, District Ludhiana during pendency of the trial.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case whereas they were not involved. The petitioners are neither the owners of the alleged car nor any link evidence is there to connect them with the alleged recovery. No other case under the NDPS Act is there against them. The alleged recovery was effected from the conscious possession of co-accused Gurnam Singh @ Babbu as it was alleged to have kept in a bag, which was in his personal possession. No independent witness was joined at the time of alleged recovery. The petitioners are in custody since 11.07.2017. All the witnesses

are official witnesses and there is no possibility that the petitioners may influence the witnesses or tamper with the evidence.

Short reply by way of affidavit of Mr. Jaspal Singh, SI Investigating Officer, Special Task Force, Ludhiana has been filed in the Court and the same is taken on record.

Learned State counsel has not disputed the custody period as well as the fact that no other case under the NDPS Act is pending against the petitioners but has opposed the regular bail on the ground that the petitioners and co-accused are closely related and being driver of the car, it is presumed that the driver was well aware as to what was kept in the bag.

Heard arguments of learned counsel for the petitioners as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering that the petitioners are in custody since 11.07.2017; no other case under the NDPS Act is pending against them; all the witnesses are official witnesses and there is no possibility that the petitioners may influence the witnesses or tamper with the evidence; trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioners, namely, Daljhit Singh and Sarwan Singh are directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

25.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No