

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

**Criminal Misc. No. M-50561 of 2018
Date of decision: 09.01.2019**

Amrik Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Amrik Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.35 dated 15.04.2017 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kot Fatta, District Bathinda.

Learned counsel for the petitioner submits that the alleged recovery of 500 gms heroin was effected from the dashboard of i20 Car, which does not belong to the petitioner and no evidence is there to connect the petitioner with the offence. The recovery cannot be said to be effected from the conscious possession of the petitioner. It has not been verified as to who is owner of the car. Learned counsel further submits that the investigation has been completed and challan has been presented. Charges have been framed. The petitioner is in custody since 15.04.2017 and no

.....

other case under the NDPS Act is pending against him. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel has not disputed the custody period as well as the fact that no other case is pending against the petitioner. However, she submits that even it has not been verified as to who is the owner of the car.

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

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 15.04.2017; the fact that the petitioner is not owner of the vehicle from which recovery has been effected; no other case is pending against the petitioner; all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence; the trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Amrik Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

09.01.2019
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No