

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

**CRM-M No.54257 of 2018
Decided on: 15.07.2019**

Indraj

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.136 dated 29.06.2018, for offence punishable under Sections 22/25 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sangat, District Bathinda.

Counsel for the petitioner has submitted that as per the allegations in the FIR, when the Investigating Officer was checking the suspected vehicles, he noticed a Maruti Alto car bearing registration NO.RJ31-CA-9052 and signaled the same to stop. On stopping the vehicle, the driver of the car tried to run away by reversing the car, however, Constable Kuldeep Singh put a barricade on the back side of the car in order to stop the same and in that process, the back glass of

the car broke down. There were 03 occupants on the car and the person sitting on the back seat after opening the left side door ran away and the other 02 occupants, sitting on the front seat of the car were nabbed by the police party. The driver informed his name as Narinder Singh @ Kalu son of Arjun Singh and the co-passenger informed his name as Satnam Singh son of Gurdeep Singh. From the dicky of the car, total 1150 bottles of Onerex (100 ml each) were recovered, which contain Codeine Phosphate.

Counsel for the petitioner has further submitted that the petitioner is not involved in any other case and he was subsequently, arrested on 06.07.2018 and is in custody since then. It is further submitted that since the petitioner was not arrested at the spot, therefore, it will be a debatable issue to be decided during the course of trial, whether he was found in conscious possession of the narcotics recovered from the car.

Counsel for the State, on instructions from ASI Nirmaljit Singh, has not disputed the factual position and submits that out of 15 prosecution witnesses, only 01 PW has been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender and he is not involved in any other case; only 01 prosecution witness has been examined so far and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

15.07.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No