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

CRM-M-26164 of 2019

Date of decision: July 05, 2019

Mohinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. M.S. Dhaliwal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.12 dated 21.03.2019, under Section 16 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 61/1/14 of Excise Act, registered at Police Station Dharamgarh, District Sangrur.

As per prosecution case, contraband was recovered from the open fields belonging to the petitioner.

Contentends that petitioner is 75 years old and recovery is from the open fields, thus, merely that he is the owner of the land, cannot be held liable in the present case. Also contends that after investigation, report under Section 173 Cr. P.C. has already been submitted on 27.06.2019 and there are total 14 prosecution witnesses, but none has been examined.

Since the investigation is already over, petitioner is 75 years old and no recovery was effected from his possession; rather the same was from open fields and he was not present on the spot, thus, point of conscious possession is debatable in this case. Consequently, without commenting on the merits of the case, this Court deems it appropriate to release the petitioner on bail pending trial.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments. It is also clarified that in case there is recurrence on his part, State would be at liberty to move an application for recalling of this order.

(MAHABIR SINGH SINDHU)
JUDGE

July 05, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**