

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

**CRM-M-27167-2019
Date of decision: 04.07.2019**

Varinder Singh @ Bunt

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 58 dated 18.04.2019, registered under Sections 21 and 29 of the NDPS Act, 1985 (Section 27-A of the NDPS Act added later on) at Police Station Sarabha Nagar, District Ludhiana.

Learned counsel for the petitioner submits as per the allegations in the FIR, the police, on receiving a secret information that three persons are coming in a car and carrying intoxicating substance, a car bearing registration No. PB-65-N-4030 was stopped and three persons travelling in the said car, namely Dawinder Singh @ Jeeti, Varinder Singh @ Bunt and Sandeep Singh @ Top, were apprehended. Thereafter, during personal search of Sandeep Singh @ Top, recovery of 700 grams of Heroin was effected which was tied with his waist and in the similar manner, 800 grams of Heroin were recovered from co-accused Dalwinder Singh @ Jeeti, which was also tied with his waist.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, nothing was recovered from the petitioner and the petitioner is not even the registered owner of the said car.

Learned State counsel, on instructions from Inspector Surinder Singh, submits that the registered owner of the said car is the wife of co-accused Sandeep Singh @ Top and some currency was also recovered from the dashboard of the car.

Learned State counsel further submits that petitioner is involved in one more FIR under Section 302 IPC, in which, he is on bail, however, he is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that it will be a debatable issue whether the recovery effected from the co-accused, which was tied with their waist, would amount to conscious possession of the same in respect of the petitioner and also considering the fact that trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

04.07.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No