

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27680 of 2019
Date of Decision: 08.07.2019

Lakhwinder Pal @ Lakhwinder Pal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.98 dated 26.06.2018 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Kot-Kapura, District Faridkot.

Heard.

As per case of prosecution, intoxicating drugs weighing 1442 gms. was recovered from the bag kept in between front two seats of Innova Car bearing registration no. PB-29X-4920. Akashdeep Singh @ Ashu was driver of Innova Car while Babbu Shiva was sitting with him on adjoining seat. The petitioner was sitting on rear seat of Innova Car.

Learned counsel for the petitioner submits that the question is of conscious possession of the petitioner regarding the contraband recovered from the Innova Car, which is subject matter of evidence. The prosecution has not produced any evidence to connect the petitioner with

other co-accused. It is nowhere the case of prosecution that drugs were jointly purchased by petitioner with other co-accused or they were taking the same for sale to some other person.

The petitioner was arrested in this case on 26.06.2018. After investigation challan has already been presented in Court. The question of conscious possession of petitioner regarding the contraband recovered from the Innova Car will be subject matter of the trial Court.

Keeping in view above fact and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Lakhwinder Pal @ Lakhwinder Pal Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 08, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No