

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

**CRM-M No. 32079 of 2019
Date of Decision:-27.09.2019**

Sujaad Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Sujaad Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 141 dated 21.9.2018, under Sections 22 and 25 of NDPS Act, registered at Police Station City-II, Khanna, District Ludhiana. The petitioner is in custody since his arrest on 21.9.2018.

The prosecution case is that on 21.09.2018 ASI Sukhwinder Singh along with other police officials was present near T-Point Madain Road in connection with checking of bad elements. Then on motorcycle bearing registration No.PB-10-DT-5384, Jaswinder Singh (petitioner) along

with his co-accused Jatinder Singh and Sujad Singh were coming. The motorcycle was being driven by petitioner Jaswinder Singh. On seeing the police party, one of the accused sitting on the pillion threw away a polythene from which subsequently 8600 intoxicating tablets, 204 capsules of PARVAN SPAS and 190 tablets of Tarmosat were effected. The motorcycle was stopped and the accused were arrested by the police party.

Learned counsel for the petitioner contends that the co-accused Jaswinder Singh was driving the motor-cycle and petitioner alongwith co-accused Jatinder Singh was the pillion rider. He submits that according to prosecution, one of them threw the polythene containing the alleged contraband and it was nowhere mentioned in the FIR that who threw the said polythene. He contends that the petitioner is in custody since 21.9.2018 and no witness has been examined by the prosecution. He further submits that the petitioner is not involved in any other case muchless of similar nature.

On the other hand, learned State counsel, who is assisted by ASI Jagdev opposed the prayer, but fairly stated that the prosecution has not examined any witness so far. It is also not disputed that the petitioner was one of the pillion riders of the motor-cycle and both of the co-accused have already been extended the concession of regular bail by this Court.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to

his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Ludhiana.

The petition is allowed.

September 27, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No