

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33247 of 2019
Date of Decision: 09.09.2019

Manjeet Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arpandeeep Narual, Advocate
for the petitioner.

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.265 dated 09.09.2018 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Sirsa, District Sirsa.

Heard.

Notice of motion.

On asking of the Court, Ms. Dimple Jain, A.A.G. Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Learned counsel for petitioner submits that the petitioner was a pillion rider on motorcycle, which was stopped by the police and recovery of contraband was effected from bag carried by Gurcharan Singh, driver of motorcycle, on his shoulder. Petitioner being a pillion rider could not be in conscious possession of contraband. He is neither owner of the motorcycle

and nor has any other case against him.

Learned State counsel submits that both petitioner and Gurcharan Singh were riding the motorcycle and recovery was effected from the bag carried by driver of the motorcycle, namely, Gurcharan Singh. Being a pillion rider petitioner is deemed to be in conscious possession of the contraband recovered from the bag of Gurcharan Singh.

Admittedly, the petitioner is not owner of the motorcycle. Recovery was effected from the bag carried by Gurcharan Singh. As to whether the petitioner was in conscious possession of the contraband recovered from Gurcharan Singh is a fact to be determined by the trial Court after recording entire evidence.

Without expressing any opinion in this regard or on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Manjeet 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.

September 09, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No