

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

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**CRM-M No. 35201 of 2019
Date of decision : 17.12.2019**

Prem Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ankur Bansal, Advocate, for the petitioner

Ms. Amarjit Kaur Khurana, DAG, Punjab

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 325 dated 25.11.2018, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of the Act added later on) at Police Station Phillaur, District Jalandhar Rural.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the petitioner was driving the taxi at the relevant time, in which co-accused Lovepreet Singh @ Lovely was seated on the rear seat. The recovery in question was effected from the bag held by Lovepreet Singh. Still further, it is submitted by learned counsel for the petitioner that the petitioner was employed as a driver on the said taxi, owned by Vikrant Khanna. Even the owner of the taxi has disclosed to the police that on the said day, the petitioner was sent as a driver on the taxi having been hired by Lovepreet Singh. Still further, it is submitted that there is no other case against the petitioner. The

petitioner is in custody since 25.11.2018. Challan has already been filed. Hence, the petitioner is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Yousaf Masih, submits that the petitioner was found in the same car, from which the recovery was effected. However, it is not disputed that the police had recorded the statement of the owner of the car as well and that he had deposed to the police that he had sent the petitioner as driver on the said day. It is also not disputed that there is no other case against the petitioner and that the petitioner is in custody since 25.11.2018.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

17.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No