

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38744 of 2019
Date of Decision: 18.09.2019

Jaswinder Singh @ Sheru

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Thakur, 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.7 dated 13.01.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Jalandhar, District Jalandhar.

Heard.

Notice of motion.

On asking of the Court, Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab, 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 him.

As per case of prosecution, a police party during checking at the bridge canal near Sahibzada Ajit Singh Ji School spotted an Activa bearing registration no. PB-08-DJ-2875. The petitioner was pillion rider on that Activa. On witnessing the police party, driver of the Activa tried to take U-turn, but it slipped and both fell on the ground. From the footrest of

Activa a bag also fell on the ground having vials and injections, which were containing intoxicating drugs.

Learned State counsel on instructions from HC Dilbag Singh submits that from the bag taken into possession from the spot 100 injections of 'Buprenorphine' were recovered, which fall in commercial quantity of contraband.

The petitioner was pillion rider and it will be an arguable point before the trial Court to find as to whether he was in conscious possession of the contraband kept by driver of the Activa under his feet.

Without expressing any opinion on merits of the case and keeping in view the fact that after completion of investigation challan against the petitioner has already been presented in Court and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jaswinder Singh @ Sheru 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 18, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No