

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39333-2019(O&M)
Date of decision: 16.12.2019

Avtar Singh @ Tara

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Mikhail Kad, Advocate for the petitioner

Mr. Hittan Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Petitioner-Avtar Singh @ Tara prays for grant of regular bail in FIR No.31 dated 15.6.2019 registered under Sections 22, 61 of the NDPS Act at Police Station Dharamgarh, District Sangrur.

As per the case of the prosecution, co-accused-Lakhwinder Singh and petitioner-Avtar Singh were travelling on a motorcycle, being driven by Lakhwinder Singh, who is also the owner of the vehicle. The alleged recovery of 1450 intoxicating tablets is from a bag hanging on the handle of the motorcycle.

Learned counsel for the petitioner contends that petitioner was only a gratuitous passenger having no knowledge of the intoxicating tablets.

On the other hand, learned State counsel has submitted that intoxicating tablets were recovered from the conscious possession of both the accused.

On a pointed question, learned State counsel, on instructions

from HC Gurpiar Singh, has admitted that petitioner does not have criminal antecedents.

Investigations are complete. Police report under Section 173 Cr.P.C has been submitted. Conclusion of the trial is likely to take time. Apart from the fact that petitioner was travelling as a pillion rider on the same motorcycle, learned State counsel could not produce any material to prove petitioner's active involvement.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

Petition stands allowed.

16.12. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No