

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

212

**CRM-M No. 42464 of 2019
Date of decision : 5.12.2019**

Kuldip Singh @ Keepa

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. B.S. Jaswal, 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. 75 dated 26.4.2019, registered under Sections 21/27/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), at Police Station Gharinda, District Amritsar.

It is contended by learned counsel for the petitioner that the petitioner has been involved in this case only because of the unfortunate fact that he was travelling on a motor cycle as a pillion rider, from the dicky of which 270 grams of heroin was recovered. However, the petitioner was neither driving the motor cycle nor he is owner of the same. The petitioner had only taken the lift on the said motor cycle. It is further submitted that there is no other case against the petitioner. In the present case, challan has already been filed. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State submits that the recovery in the present case is of commercial quantity of heroin. Still further, it is submitted that the very fact that the petitioner was travelling as a pillion rider

on the same motor cycle; from which the recovery has been effected, shows the involvement of the petitioner in the crime. However, it is not disputed that the petitioner is not the owner of the motor cycle nor he was driving the same. It is also not disputed that the petitioner is in custody since 26.4.2019 and that there is no other case against the petitioner under the NDPS Act.

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 her furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

5.12.2019

Ashwani

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