

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43266 of 2019
Date of Decision: 18.10.2019

Devinder Singh @ Lalli

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kuldip S. Chaudhary, 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. 31 dated 28.03.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Shambu, Tehsil and District Patiala.

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 car bearing registration no. PB-23K-8031 was apprehended by police party headed by SI Buta Singh of Police Station Shambu, District Patiala on the basis of secret information. The car was being driven by Akashvir Singh while the petitioner was sitting on adjoining seat. On search of the car, 25 vials of narcotics '*Bupine*'

containing 2 ml. each and another 25 vials of 'Avil' containing 10 ml. each were recovered. Samples of recovered drugs were sent to FSL and the sample taken from first lot of 25 vials was found to be that of 'Buprenorphine'.

Learned counsel for the petitioner submits that as per case of prosecution, petitioner was sitting with co-accused and the car did not belong to him. The recovery was effected from dashboard of the car, which is supposed to be in possession of driver and not the person sitting in the car.

Learned State counsel on instructions from ASI Ajay Kumar submits that the car in question is owned by mother of Akashvir Singh. The petitioner in his disclosure statement has admitted the purchase of narcotics from a person at Ambala.

It will be an arguable point before the trial Court as to whether petitioner was in conscious possession of the narcotics recovered from dashboard of the car and about the admissibility of disclosure statement of the petitioner.

Without expressing any opinion on merits of the case and keeping in view the fact that the petitioner was arrested on 28.03.2019 and after presentation of challan, conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Devinder Singh @ Lalli 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.

October 18, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No