IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-57238-2018 (O & M)
Date of Decision:21.05.2019

Jatinder Singh @ Bhinda ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

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MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.141 dated 21.09.2018, under Sections 22 and 25 of NDPS Act, registered at Police Station City-2, Khanna, Tehsil Khanna, District Ludhiana. The petitioner was arrested on 21.09.2018.

The prosecution case is that on 21.09.2018 ASI Sukhwinder Singh along with other police officials were present near T-Point Madain Road in connection with checking of bad elements. Then on motorcycle bearing registration No.PB-10-DT-5384, Jatinder Singh (petitioner) along with his co-accused Jaswinder Singh and Sujad Singh were coming. The

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motorcycle was being driven by Jaswinder Singh. On seeing the police party, one of the accused sitting on the pillion threw away a polythene from which subsequently 8600 intoxicating tablets, 204 capsules of PARVAN SPAS and 190 tablets of Tarmosat were effected. The motorcycle was stopped and the accused were arrested by the police party.

Learned counsel for the petitioner contends that Jaswinder Singh was driving the motorcycle whereas the petitioner was a pillion rider. According to him, the recovery was effected from co-accused another pillion rider namely Sujad Singh. He further contends that the charges were framed on 07.05.2019 and the trial is likely to consume considerable time.

On the other hand, learned State counsel assisted by HC Satnam Singh has opposed the bail application. It is not disputed that the petitioner was neither the owner of the said vehicle nor was holding the polythene bag containing the alleged contraband. It is also not disputed that there is no other case against the petitioner much less of the similar nature.

Considering the above background and the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

21.05.2019 **(MANOJ BAJAJ)**
sheetal **JUDGE**

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

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