

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

CRM-M No.52382 of 2019 (O&M)

Decided on: 13.12.2019

Ranjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Nitish Garg, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.31 dated 07.03.2019, registered under Section 22 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Division No.4 (Lahori Gate), District Patiala.

Counsel for the petitioner has argued that initially the FIR was registered on the basis of a secret information that the co-accused Vishal Malhotra @ Sunty and the petitioner – Ranjit Singh @ Sanju are habitual of consuming and selling narcotic contraband. Thereafter, the FIR was registered and when the police party reached near a Temple they found that a motorcycle was parked and the co-accused Vishal Malhotra @ Sunty was sitting on it and one person i.e. the petitioner –

Ranjit Singh was standing nearby and they were talking to each other. It is further the case of the prosecution that on seeing the police party, the co-accused i.e. Vishal Malhotra @ Sunty, who was sitting on the motorcycle tried to run and in that process, the contraband fell on the earth and thereafter, they were arrested.

Counsel for the petitioner has further argued that the petitioner was neither the owner of the motorcycle nor he was driving the same and as per the prosecution version, he was the person, who was standing nearby. Counsel for the petitioner has, thus, argued that it will be a debatable issue to be decided during the course of trial as to whether the petitioner was found in conscious possession of the contraband or not.

Counsel for the State, on instructions from ASI Balwinder Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case under the NDPS Act; he is in judicial custody from the last 09 months and 04 days; the case before the trial Court is still at the stage of recording of the prosecution evidence and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any

other case or misusing the concession of bail, in any manner.

13.12.2019
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No