

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

CRM-M No.41062 of 2018

Date of Decision: 11.02.2019

Gurpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner, namely, Gurpreet Singh in case FIR No.123 dated 15.09.2017 registered under Sections 22/27-A/29 of the NDPS Act, 1985 at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner is neither the owner nor driving the car and he was not having any personal knowledge with regard to contraband being carried out by the co-accused. Learned counsel also submits that the petitioner took a lift in the car and he was not aware about the alleged contraband. Recovery has already been effected. The petitioner is in custody since 15.09.2017 and no other case under the NDPS Act is pending against him. All witnesses are the official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel has not disputed the custody period and also the fact that the petitioner is neither owner nor driver of the car. She further submits that no other case under the NDPS Act is pending against

the petitioner.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

By considering the custody of the petitioner since 15.09.2017; the fact that petitioner is neither owner of the car nor driving the vehicle from which the recovery was effected; all witnesses are the official witnesses and there is no possibility that he may tamper with the evidence or influence the witnesses, the present petition is allowed and petitioner, namely, Gurpreet Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case, the petitioner is found to be involved in any other case under the NDPS Act, the State is at liberty to move an application for cancellation of bail.

11.02.2019
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No