

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-53822 of 2019
Date of Decision: 20.12.2019

Sahil Sharma

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vipul Jindal, Advocate
for Ms. Promila Nain, 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.204 dated 24.10.2018 registered for offences punishable under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Cantonment Amritsar, District Amritsar.

Heard.

Notice of motion.

On asking of the court, Mr. Avtar Singh Sandhu, Addl. 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.

Learned counsel for the petitioner submits that as per version of the prosecution, the petitioner was a pillion rider on the Activa bearing registration no. PB-02-BH-5651. When the police party stopped the Activa, driver of it, namely, Anil Kumar, handed over an envelope, containing

Heroin, to the petitioner. The petitioner was arrested on 24.10.2018. Anil

Kumar has already been allowed regular bail vide order dated 18.11.2019 passed in CRM-M-47949-2019.

Learned State counsel on instructions from ASI Ramesh Kumar submits that when the police gave signal to driver of the Aactiva, he handed over an envelope to the petitioner from whom recovery of contraband was effected.

Keeping in view facts of the case, it will be an arguable point before the trial Court as to who out of petitioner and co-accused, Anil Kumar, was in conscious possession of the contraband.

Without expressing any opinion on merits of the case and keeping in view the fact that co-accused, Anil Kumar, has already been allowed regular bail and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sahil Sharma 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.

December 20, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No