

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

CRM-M-7588-2020

Date of Decision: 26.02.2020

Daljit Singh**.. Petitioner****Vs.****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.86 dated 18.04.2008, registered under Section 21 Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Maqsudan, District Jalandhar. He is in custody since his arrest on 05.01.2020.

As per the prosecution case, the police party headed by Inspector/SHO of Police Station Maqsudan, were going from Transport Nagar to Village Bulandpur and when the police party reached near canal bridge Bulandpur, the present petitioner along with his co-accused Saurav Kumar @ Billa were seen coming on motorcycle bearing registration No.PB-08-(Temp)-7084. They were signaled to stop, but the present petitioner, who was pillion rider fled away from the spot. Upon a search, 250 grams smack was recovered from the pocket of co-accused Saurav Kumar.

Learned counsel for the petitioner contends that 250 grams

smack was recovered from the pocket of convict Saurav Kumar @ Billa on

18.04.2008 and as per the prosecution, his companion pillion rider had escaped from the place of recovery. According to him, the name of the present petitioner was disclosed by co-accused Saurav Kumar @ Billa as Babu and the petitioner has been indicted falsely as an accused in the said case. According to him, the alleged recovery cannot be attributed to the petitioner as it was recovered from the pocket of co-accused Saurav Kumar @ Billa. He submits that the petitioner was not in conscious possession of the said contraband and, therefore, he deserves the concession of regular bail.

Learned State counsel assisted by ASI Lukhwinder Singh has submitted that the petitioner was declared as proclaimed offender on 24.07.2010, who is also known as Babu. He submits that the challan in the case has been filed on 16.01.2020. He fairly states that the petitioner is not involved in any other case.

Considering the above, the custody of the petitioner and the fact that the trial of the case is likely to consume considerable time to conclude, therefore, further detention of the petitioner may not be justified. Resultantly, 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 Jalandhar.

The petition is allowed.

26.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No