

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

CRM-M-14947 of 2020.
Decided on:- July 06, 2020.

Dalbeer Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.159 dated 20.12.2019 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 as well as Sections 182, 186 and 207 of the Motor Vehicles Act, 1988 registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner submits that the alleged recovery of 2.6 KG of opium was effected from three accused including the petitioner. The petitioner is in custody since 20.12.2019 and the recovery is

marginally above the non-commercial quantity. There is no other case against the petitioner.

She further submits that the petitioner was not the registered owner of the vehicle and was merely driving the vehicle and the alleged recovery was effected from the person, who was sitting on the rear seat of the car. She further relies upon the order dated 05.06.2020 passed by this Court in *CRM-M-12975 of 2020* titled as *Rakesh Kumar @ Kaka Versus State of Punjab*, whereby co-accused Rakesh Kumar @ Kaka has been admitted on bail.

Learned State counsel does not dispute the custody and the fact that the co-accused Rakesh Kumar @ Kaka has already been admitted on bail by this Court. He further states that there is no other case against the petitioner.

I have heard learned counsel for the parties.

The alleged recovery is of 2.6 Kg of opium from three different persons including the petitioner. The petitioner was driving the vehicle. The alleged recovery was effected from the persons sitting on the rear seat of the car. The petitioner is in custody since 20.12.2019 and there is no other case against him. The conclusion of trial is likely to take some time. Therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

July 06, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No