

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16379-2020 (O&M)
Date of decision: 13.07.2020

Rohit Verma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.197 dated 23.08.2018 under Section 22 of NDPS Act, registered at Police Station Sadar, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was one of the passenger in a three wheeler, which was driven by co-accused Monu Bahadur and on 13.03.2020, this Court, in the bail application filed by co-accused Monu Bahadur, passed the following order: -

“...Learned counsel for the petitioner states that the petitioner has been in custody for the last more than one and a half year. He further states that the petitioner is an Auto Driver. When the police stopped the Auto there were three passengers in the vehicle also and as per the petitioner he had no knowledge about the drugs

which has been secreted behind the seat of the passengers.

In my opinion, this argument could be used by all the four persons who were in the Auto at that time.

Learned Deputy Advocate General on instructions from Investigating Officer states that only 1 witness has been examined and 11 official witnesses remained to be examined and the next date is fixed for 18.03.2020 and instead of releasing the petitioner on bail, it would be appropriate to put a time cap on the trial and in case the accused does not obstruct the trial the prosecution will lead its entire evidence on or before 29.05.2020 and till such time the bail should not be granted to the petitioner.

I find this to be a fair submission. In the circumstances, in view of the undertaking given by the learned Deputy Advocate General, it is directed that in case the prosecution does not lead its entire evidence on or before 29.05.2020 (subject to the accused not obstructing the same) the petitioner be released on bail to the satisfaction of the trial Court.

Petition stands disposed of in the above terms....”

Learned counsel for the petitioner further submits that aforesaid co-accused Monu Bahadur has been granted the concession of regular bail by the Judge, Special Court, Ludhiana, in view of the directions given by this Court in CRM-M-45002-2019 on 13.03.2020, as it was directed that if the prosecution failed to conclude its evidence on or before 29.05.2020, petitioner (Monu Bahadur) be released on bail. It is further submitted that even one another co-accused Krishna has been granted the concession of regular bail vide order

dated 02.07.2020 passed in CRM-M-16033-2020. It is thus argued that in fact, co-accused Monu Bahadur was in conscious possession of the contraband and he was driver of the three wheeler and recovery was effected from the said vehicle, therefore, it will be debatable issue whether the petitioner was in conscious possession of the recovery effected.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

As per the custody certificate dated 13.07.2020 filed in the Court today, the petitioner is in custody for the last 01 year, 05 months and 02 days and is not involved in any other case.

Without commenting anything on merits of the case, considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

13.07.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No