

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-17392 of 2020

Date of Decision: 17.09.2020

Thana Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARI PAL VERMA, J. (Oral)

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

The petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.222 dated 10.11.2019 under Sections 22/25 NDPS Act registered at Police Station Sidhwan Bet, District Ludhiana rural.

As per the FIR, on 10.11.2019, the petitioner and his co-accused were found in possession of a polythene bag containing 4500 loose tablets, 6 boxes of Tramadol Hydrochloride Tablets (each strip containing 50 tablets), 100 mg Clovidol-100 SR i.e. total 3000 tablets and Rs.50,000/- in cash.

Learned counsel for the petitioner has argued that the petitioner was merely driving the motorcycle and was not in conscious possession of the contraband in question. Rather, it was co-accused Ranjit Singh who was found in possession of the intoxicants. He has further submitted that Harpal Singh son Ranjit Singh is running a medical store. Ranjit Singh, co-accused, was admitted on interim regular bail till the receipt of FSL report vide order dated 03.03.2020, though on receipt of FSL report, he has again been taken into custody. The petitioner is in custody since 10.11.2019.

Learned State counsel does not dispute the custody of the petitioner. However, he submits that the petitioner was driving the motorcycle and recovery of the contraband was effected from the bag which was being carried by co-accused Ranjit Singh.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 10.11.2019 and FSL report has been received. The petitioner was driving the motorcycle and the co-accused Ranjit Singh, who was sitting as pillion rider to the petitioner, was holding a bag which contained the contraband. Considering the fact that culpability of the petitioner, whether he was found in conscious possession of the contraband, is yet to be established during trial and due to Covid-19, the trial in the case will take sufficient long time, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not construe to be expression of any opinion on the merits of the case.

September 17, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No