

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23006-2020 (O&M)
Date of Decision:- 18.8.2020

Rajwinder Singh

Versus

... Petitioner

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akshay Bansal, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in Virtual Court)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.25, dated 7.2.2020, Police Station Shahkot, District Jalandhar, under Section 21 of NDPS Act (Section 29 of NDPS Act added later on).
2. It is the case of prosecution that an Alto car bearing registration No.PB-05P-8149 was apprehended by the police in which two persons were sitting. Upon search of the driver of the said car namely Dilpreet Singh, 370 grams of 'Heroin' was recovered from a polythene bag kept in the left side pocket of his jacket. However,

nothing was recovered upon search of the petitioner who was sitting in front passenger seat of the car.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case he cannot be attributed any conscious possession of the contraband recovered from the personal search of co-accused.
4. Opposing the petition, learned State counsel has submitted that although nothing was recovered from the petitioner at the spot but subsequently upon disclosure statement made by him he got recovered 5 grams of 'Heroin'. Learned State counsel has however, informed that the petitioner has been behind bars since the last more than 6 months and that he is not involved in any other case.
5. Having regard to the facts and circumstances of the case especially that it is a case of recovery of 370 grams of 'Heroin' from personal search of the co-accused and that nothing was recovered from the petitioner at the spot and that the petitioner is not involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

August 18, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No