

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24071-2020(O&M)

Date of Decision: 28.8.2020

Sandeep Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioner in case FIR No.51 dated 7.4.2020 under section 22 of N.D.P.S Act and Sections 188, 270 I.P.C, registered at Police Station, Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Counsel for the parties have been heard.

As per prosecution, it was a chance recovery whereby two persons were riding the motorcycle and from the handle of the motorcycle a plastic bag had fallen down and where from 1000 tablets were recovered. As per FSL report, the tablets were found to be containing Tramadol Hydrochloride.

It is the contention raised by counsel that petitioner was not the owner of the motorcycle and as such, the recovery has not been effected

from his conscious possession.

During the course of arguments it has gone uncontroverted that petitioner is not involved in any other case under the N.D.P.S Act.

Petitioner has faced incarceration since 7.4.2020.

Co-accused Sunil Kumar has been granted benefit of bail by this Court vide order dated 13.8.2020 passed in CRM-M-16094-2020.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.8.2020

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No