

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

CRM-M-28162-2020 (O&M)
Date of decision : 22.09.2020

Bandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. Mehardeep Singh, Addl.A.G., Punjab,
assisted by SI Gurmej Singh.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.72 dated 19.06.2020, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station S.T.F. District Wing, Sri Muktsar Sahib, District SAS Nagar, Phase-4, Mohali.

Contends that the petitioner is driver of the vehicle from the rear seat of which, 300 grams of heroine was allegedly recovered. No recovery was effected from the conscious possession of the petitioner. He is in custody since 19.06.2020 and not involved in any other FIR.

Learned State counsel, on instructions, submits that the petitioner was the driver of the vehicle from which the contraband was recovered. However, he admits that the petitioner is not involved in any other FIR. Further submits that the challan is ready and will be presented

before the Court very soon. Six witnesses have been cited by the prosecution.

Heard.

The question whether the alleged recovery was effected from the conscious possession of the petitioner or not, shall be determined by the trial Court at appropriate stage. The petitioner is not involved in any other FIR. He is in custody since 19.06.2020. The trial is not likely to be concluded in the near future as the challan is yet to be presented. Therefore, this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds in the sum of Rupees One lakh with two local sureties in the like amount, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.09.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No