

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

-:-

CRM-M-36729-2020

Date of decision : 22.12.2020

GURJEET SINGH AND ANOTHER

.....Petitioners

Vs.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. D.S. Virk, Advocate for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in FIR No.311 dated 02.10.2020 under Section 18-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Ellanabad.

Learned counsel for the petitioners has contended that both the petitioners have been falsely implicated in the case and that the recovery of alleged intoxicating powder i.e.01 kg opium was not recovered from the conscious possession of the petitioners. He further contends that the registered owner of the vehicle has since been granted anticipatory bail by this Court vide order dated 26.10.2020 in CRM-M-33429-2020. He further contends that recovery in the present case is 01 kg opium which falls under the category of non-commercial.

Learned State counsel has filed the status report by way of affidavit of Jagat Singh, Deputy Superintendent of Police, Ellanabad wherein it has been stated that recovery has been made from the dashboard of the truck. It is further stated that there are no other cases

pending against both the petitioners. It has also been stated that the owner of the truck has since been granted interim anticipatory bail in CRM-M-33429-2020 vide order dated 26.10.2020 and that the petitioner Gurjeet Singh is the driver of the truck. He further states that challan has been presented in the present case.

In view of the above, the petitioners be released on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case. However, the Prosecution shall always be at liberty to get the bail cancelled in case the petitioners are found to be misusing the concession of bail in any manner.

Disposed off accordingly.

December 22, 2020
kv

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No