

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

CRM-M-34562 of 2019

DATE OF DECISION :- March 13, 2020

Harjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

This petition for regular bail has been filed by petitioner Harjit Singh, an accused in F.I.R. No. 144 dated 26.4.2019 registered with Police Station Phillaur, District Jalandhar for offence under Section 18 of the NDPS Act, 1985.

Briefly stated facts of the case as per prosecution story are that on 26.4.2019 when apprehended by the police party, Harjit Singh was driving Indica Vista Car bearing registration No. PB-36-F-8837 coming from Phillaur side, search of the Car revealed contraband in the form of opium weighing 1 Kg. 700 gms. The petitioner was accordingly arrested in this case and contraband was seized. While being interrogated, he disclosed that he was working for co-accused Tirath Singh and the consignment belonged to said Tirath Singh. Formal F.I.R. had been recorded.

The petitioner had moved an application for regular bail before

Judge, Special Court, Jalandhar which was, however, declined vide order dated 7.8.2019, as such he has approached this Court with similar prayer which is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

The recovery of contraband involved is of non-commercial quantity, therefore, rigor of Section 37 of the NDPS Act, 1985 is not there. The co-accused of the present petitioner namely Tirath Singh is said to have been granted regular bail by a Coordinate Bench of this Court vide order dated 13.12.2019 in CRM-M-32235 of 2019 (O&M). Copy of that order has been placed on record. The petitioner is not having any past criminal record as stated by the State counsel. The challan in this case has been filed. The charge has been framed and one PW has been examined. In that way conclusion of trial is likely to take some time.

Considering all the facts and circumstances of the case, this petition is accepted. Petitioner Harjit Singh is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Jalandhar. However, it is made clear that in case the petitioner is found indulging in any criminal act at a later stage, his order granting bail shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

March 13, 2020

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No