

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

**CRM-M-37642-2019
Date of decision: 15.01.2020**

Vishal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. D. S. Pheruman, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 21 dated 30.04.2019, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police apprehended two persons, i.e. co-accused Satnam Singh, who was driving the car, and petitioner Vishal. From the personal search of the petitioner and co-accused Satnam Singh, 02 grams of Heroin each were recovered, whereas from the search of the said car, 255 grams of Heroin were recovered.

Learned counsel for the petitioner further submits that in fact co-accused Satnam Singh is the owner of the said car and he was driving the same, therefore, it will be a debatable issue whether the petitioner was in conscious possession of contraband recovered from the car.

Learned counsel for the petitioner further submits that challan stands presented, however, charges are yet to be framed.

Learned State counsel, on instructions from the Investigating Officer and on the basis of the custody certificate dated 27.11.2019, has not disputed the factual position. As per said custody certificate, the petitioner is in judicial custody since 03.05.2019 and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 03.05.2019; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

15.01.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No