

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55249-2019 (O&M)
Date of decision: 10.01.2020

Sahil @ Shamsheer

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.266 dated 04.11.2018 under Sections 22/27-A/29 of NDPS Act, registered at Police Station Moti Nagar, District Police Commissionerate, Ludhiana; earlier one was disposed of vide order dated 24.01.2019.

Learned counsel for the petitioner submits that this second petition is filed after a lapse of about 01 year, as custody of the petitioner, as on today, is more than 01 year and 03 months. Learned counsel has relied upon the order dated 13.12.2019 passed in CRM-M-52225-2019, vide which co-accused Meenu was granted the concession of regular bail, whereas bail of Toshi was dismissed as withdrawn. It is further submitted that in fact, Toshi is mother-in-law of the petitioner and the house belong to his father-in-law, who has died and therefore, Toshi is owner in possession of the house, from where the

recovery was effected.

Learned counsel for the petitioner has further submitted that while granting bail to co-accused Meenu, it was noticed by this Court that when a raid was conducted, the police recovered 260 grams of intoxicant powder from an iron cot lying in the house and from personal search of the petitioner, nothing was recovered and therefore, it will be a debatable issue whether the petitioner was in conscious possession of the contraband, which was recovered from the house of Toshi.

Learned State counsel, on instructions from SI Rachhpal Singh, has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that co-accused Meenu has already been granted the concession of regular bail and the petitioner is not involved in any other case under the NDPS Act, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.01.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No