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

**CRM-M No.2262 of 2021 (O&M)
Date of Decision: 09.03.2021**

DAMAN RAM

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sapan Dhir, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.34 dated 20.02.2019, registered under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Sardulgarh, District Mansa.

After registration of FIR, inquiry was conducted by the DSP, Sardulgarh on the application of Simran Kaur wife of

Palwinder Ram. Petitioner is father of Palwinder Ram. In the inquiry, statements of Simran Kaur, Amrik Singh and Satpal Singh were recorded by the Police. Palwinder Ram and Amrik Singh along with 2-3 persons were doing labour work in the fields of Satpal Singh. On 20.02.2019, all these persons loaded paddy straw in pick-up trolley and were standing on the main road where Balwinder Ram and Daman Ram came in a Maruti car and stopped the same. Second son of the petitioner i.e. Balwinder Ram was driving the Maruti car. On his asking, Palwinder Ram agreed to drive the vehicle. Petitioner was sitting on the front seat and Balwinder Ram took the rear seat of the Maruti car, where a plastic bag containing narcotic was seen by Amrik Singh and Satpal Singh.

Palwinder Ram was found to be innocent in the inquiry conducted by the DSP, Police Station Sardulgarh and he has been granted regular bail by this Court vide order dated 19.01.2021 passed in CRM-M No.39665 of 2020. Challan has already been submitted. Out of 11 prosecution witnesses, 4 witnesses have already been examined. Petitioner is in custody since 20.12.2019.

Learned State counsel on the other hand opposed the bail on the ground that the petitioner was found sitting in the car which was being driven by his son Palwinder Ram on the

confidence of petitioner and his son Palwinder Ram agreed to drive the car on 20.02.2019. The contraband was recovered from the car itself.

Learned State counsel also submitted that now 26.03.2021 is the next date for remaining prosecution evidence.

The factual details of the case are not in dispute. Petitioner is not the owner of the car, nor is Balwinder Ram. The only allegation qua the petitioner is that he was sitting on the front seat and the contraband was recovered from the back seat of the car. The complicity of the petitioner viz-a-viz. the contraband and in the context of any exclusive possession over the contraband would remain debatable. Petitioner is neither owner nor driver of the vehicle. Firstly the vehicle was being driven by Balwinder Ram and thereafter Palwinder Ram took charge of the driver seat on the confidence of the petitioner. Palwinder Ram has already been granted regular bail by this Court vide order dated 19.01.2021.

In view of aforesaid facts and circumstances and keeping in view the period of custody of the petitioner, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to
be an expression of any opinion on merits of the case.

March 09, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No