

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9455-2021 (O&M)
Date of Decision:-4.3.2021

Sardool Singh	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab,
assisted by ASI Varinder Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0139 dated 21.12.2020 at Police Station Kot Ise Khan, District Moga under Section 18(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the case of prosecution, a secret information was received on 21.12.2020 to the effect that Sardool Singh (petitioner), Parminder Singh @ Sunny and Gurpreet Singh @ Kala indulged in sale of '*opium*' and that on the said day they were coming on their motorcycle bearing registration PB04-AC-2731 and were bringing '*opium*' for its sale. Pursuant to receipt of said information barricading was held and the aforesaid three accused were apprehended while riding a motorcycle. It is further the case of prosecution that upon search of the aforesaid three accused 1.5 kilograms of '*opium*' was recovered from Parminder Singh @ Sunny.

3. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that, in any case, he cannot be attributed any conscious possession in respect of the recovery effected from co-accused Parminder Singh @ Sunny.
4. Opposing the petition, learned State counsel has submitted that since Parminder Singh @ Sunny, from whom the recovery was effected, is none else but son of the petitioner and that the petitioner Sardool Singh and Parminder Singh @ Sunny were travelling on the same motorcycle, the complicity of the petitioner is clearly evident and he does not deserve the concession of bail. Learned State counsel has, however, informed that in the instant case the petitioner has been behind bars since the last more than 2 months and that challan already stands presented and that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Given the fact that the question of conscious possession of the petitioner would be debatable as recovery was effected from co-accused Parminder Singh @ Sunny and while also noticing that challan already stands presented and that the petitioner is not involved in any other case and that it is a case of recovery of 'non-commercial' quantity, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

4.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No