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

**CRM-M No.11835 of 2021(O&M)
Date of Decision: 19.03.2021**

Mohd. Asgar

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, Addl, AG, 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.156 dated 06.11.2020 registered under Sections 20, 61 and 85 of the NDPS Act at Police Station City I Malerkotla, District Sangrur.

It is not in dispute that co-accused i.e. pillion rider of the motorcycle namely Mohd. Habib @ Popa has been released on regular bail vide order dated 08.03.2021 passed in CRM-M

No.9979 of 2021. The motorcycle was being driven by petitioner Mohd. Asgar @ Bona and Mohd. Habib @ Popa was pillion rider with 5 kgs of charas in a transparent bag. While considering the regular bail of co-accused Mohd. Habib @ Popa, reliance was placed upon **Sandeep Kumar Vs. State of Punjab, 2019(4) RCR (Criminal) 741** in the context of signature of the accused not obtained on the recovery memo, thereby committing non-compliance of mandatory provision. The reliance was also placed upon **CRM-M No.4584 of 2020** titled **Binder Kaur @ Goga Vs. State of Punjab** decided on 06.02.2020 to the effect that the persons in trade of contraband would not do the trading in a transparent bag so as to get themselves exposed.

Co-accused from whose possession recovery was effected has since been granted bail by this Court on 08.03.2021. Petitioner is in custody since 06.11.2020. Challan has been presented. Charges have been framed, but no prosecution witness has been examined so far.

In view of aforesaid facts and circumstances of the case, I deem it appropriate to consider the case of the petitioner on parity with co-accused.

In view of aforesaid position, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the

merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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 19, 2021
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No