

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

CRM-M-21844-2021 (O&M)

Date of Decision:-26.7.2021

Gulzar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Manpreet Ghuman, Advocate for
Mr. Raman Goklaney, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

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.212 dated 29.12.2020 at Police Station Mamdot, District Ferozepur under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985, wherein offence under Section 25 of NDPS Act was added later on.
2. As per the FIR, two persons who were coming on a motorcycle were seen by BSF officials and who threw something in the fields. The said persons were intercepted and who disclosed their names as Sukhdev Singh and Jaswinder

Singh. The local police was intimated and the search of bag thrown by the accused was found to contain 1.010 kgs. of 'heroin'.

3. Learned counsel for the petitioner submitted that the petitioner is neither named in the FIR nor was ever present near the spot and has been nominated as an accused solely on account of the fact that the motorcycle on which Sukhdev Singh and Jaswinder Singh were travelling, was registered in the name of petitioner.
4. Opposing the petition, learned State counsel has submitted that since no plausible explanation is forthcoming as to how the petitioner's motorcycle landed in the hands of the accused, who were found to be in possession of contraband, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that the petitioner was never ever present at the spot. It has also been informed that the petitioner as on date has been behind bars since the last 2 months and 21 days and that he is not involved in any other case.
5. Having regard to the aforestated position especially that the petitioner was not found in possession of any contraband and is not even stated to be involved previously in any case, 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.

26.7.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No