

209-A

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

**CRM-M No.20406 of 2020(O&M)
Date of Decision: 09.03.2021**

Gurwinder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, 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.144 dated 14.07.2018 registered under Section 21 of the NDPS Act at Police Station Sadar Patti, District Tarn Taran.

The FIR was registered on the statement of BSF personnel with the allegations that Major Singh was allowed to go to his fields along with the tractor and labourer by way of issuing pass. On return, the speedo meter assembly of the

tractor was found to be loose. On checking of the the speedo meter, 550 grams of heroin was found in the assembly of speedo meter. Major Singh is the owner of the tractor. Recovery was effected from the tractor. Petitioner was engaged as labourer.

According to the learned counsel for the petitioner, the petitioner was in fact allowed to go home, but later on, he was shown to be the person who ran away from the spot. Petitioner remained unsuccessful in his effort to seek anticipatory bail when CRM-M No.39270 of 2018 was dismissed on 19.11.2018. Thereafter, the petitioner was arrested on 20.05.2020. Petitioner has been nominated on the basis of disclosure statement of Major Singh.

Learned State counsel, however, opposed the bail on the ground that the recovery is of commercial nature. The petitioner was present at the time of recovery of the contraband and he fled away from the spot on seeing the BSF personnel. Now the prosecution evidence is being led before the trial Court.

Having heard learned counsel for the parties, I find that the petitioner is a labourer. The recovery was effected from the tractor. The complicity of the petitioner viz-a-viz the knowledge and possession of the contraband would remain debatable.

Keeping in view the custody of the petitioner and the stage of the trial, 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 09, 2021	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No