

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31866-2021 (O&M)
Date of decision: 26.10.2021

Gulzar Singh @ Gaari

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.20 dated 28.01.2021 under Sections 22, 29/61/85 of NDPS Act, registered at Police Station Anaj Mandi, Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party headed by SI Balwinder Singh, during checking of vehicles, noticed an auto coming towards checking side and on seeing the police party, a person carrying a bag tried to run away, however, his bag fell down and tablets packs spread on the earth. On suspicion, the person, who tried

to abscond from the auto as well as driver of the auto, were apprehended. On interrogation, driver of the auto disclosed his name as Gulzar Singh @ Gaari i.e. the petitioner and the person, who tried to run away, disclosed his name as Satnam Singh @ Satta. Thereafter, by following the procedure, from the bag, which was carried by co-accused Satnam Singh @ Satta, 39000 tablets of Lomotil were recovered. It is further submitted that as per the FIR, when personal search of the petitioner as well as search of the auto was conducted, no objectionable thing was recovered. It is thus argued that in fact, the petitioner is an auto driver, whose auto was hired by co-accused and therefore, it will be a matter of trial whether the petitioner was in conscious possession of the intoxicant tablets recovered from co-accused. It is also submitted that the petitioner is in custody for the last 08 months and 24 days and is not involved in any other case.

Learned State counsel has filed the custody certificate dated 26.10.2021 in the Court today and has not disputed the aforesaid facts, however, it is submitted that it has come in the disclosure statement of co-accused Satnam Singh @ Satta that he had purchased the aforesaid contraband from Saharanpur (UP).

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is first offender; he is in custody for the last 08 months and 24 days; he is not involved in any other case; out of total 15 prosecution witnesses, none has been examined so far and it will be a matter of trial whether the petitioner was in

conscious possession of the contraband, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

26.10.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No