

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210/2)

CRM-M-42754 of 2020 (O&M)
Date of Decision: 04.03.2021

Sukhwinder Singh @ Chanan

...Petitioner

Versus

State of Punjab

...Respondent

2)

CRM-M-2597 of 2021 (O&M)

Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Parvesh Sachdeva, Advocate
for the petitioner in sr. no.1.
Mr. Kamal Narula, Advocate
for the petitioner in sr. no.2.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

CRM-M-42754 of 2020

By this petition filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail', upon FIR no.64, dated 14.07.2020, having been registered at Police Station Amir Khas, District Fazilka, alleging therein the commission of an offence punishable under the provisions of Section 21-23-29 of the NDPS Act, 1985.

Mr. Sachdeva submits that admittedly the recovery of the contraband (as per the case of the investigating agency) was made from the

co-accused of the petitioner, i.e. Ranjit Singh, from the right pocket of his *Kurta*; and therefore the petitioner, who was driving the motorcycle, cannot be attributed knowledge of any such contraband on the person of the co-accused.

He further submits that there is no other criminal case registered against him, with him having been in custody for more than 7 months and with the trial still to effectively commence.

Upon query to the learned State counsel, he does not deny the period of custody or the fact that there is no other criminal case registered against him, but submits that the petitioner being the person who was driving the motorcycle, it cannot be stated that he had no knowledge of what his co-rider was carrying with him.

Having considered the matter, looking at the circumstances above, for the purpose of this petition at least the possibility of the petitioner not having such knowledge, cannot be ruled out, looking further at the fact that there is no other criminal case registered against him, without making any comment on the merits of the case, this petition is allowed, with the petitioner ordered to be released on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

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On the request of Mr. Narula, adjourned to 27.04.2021.

A copy of this order be placed on the file of the other connected

matter too.

04.03.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No