

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

CRM-M-41321-2020(O&M)

Date of Decision: 18.01.2022

CHARANJIT SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.17, dated 24.04.2019, registered under Section 22 of NDPS Act, 1985, at Police Station Nandgarh, District Bathinda.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and is in custody since 24.04.2019. It is submitted that the FIR as registered would reflect that two persons were found standing next to a motor cycle at 11.00 p.m. at night and were searching through a plastic bag containing the contraband. It is submitted that in fact the motor cycle involved does not belong to the petitioner herein and the allegation regarding petitioner carrying drugs openly in plastic bags would not be sustainable. It is argued that the question of conscious possession is a matter of trial. It is further submitted

that no other case is pending against the petitioner. Moreover, the trial is likely to take some time to conclude.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioner, would contend that as per the allegations in the FIR, the petitioner was standing next to Hans Raj and there was a transparent white coloured plastic bag that was kept on the seat of the motorcycle and therefore, the petitioner has rightly been nominated as an accused having been apprehended at the spot in conscious possession of the contraband.

I have heard learned counsel for the parties and looking into the fact that the petitioner is in custody since 24.4.2019; the motorcycle recovered does not belong to him and the fact that question of conscious possession is a matter of trial since the same was not recovered from the petitioner alone, deem it appropriate to allow regular bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of ₹1 lakhs with one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

18.01.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No