

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

Criminal Misc. No.M-47558 of 2021(O&M)

Date of Decision: April 26, 2022

Subhash @ Golu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Virender Soni, Advocate for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.388 dated 18.12.2020 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, [later on converted to Sections 15(C), 18, 27-A, 29 NDPS Act and Section 201 IPC], Police Station Uchana, District Jind.

As per the prosecution, on 18.12.2020, ASI Parveen along with ASI Jaideep, HC Parveen Kumar and Constable Anup had apprehended co-accused Amandeep Singh, Rakesh and Abhishek @ Chhotu with *doda Chura Post* and Opium in Truck No.HR-45C-9998. The contraband was allegedly to be supplied to accused Jagrup and Subhash @ Golu (petitioner). Thereafter, all the four police officials sat with the arrested accused in their truck. When they reached near village Palwan, all the police officials hid themselves at nearby places and started waiting for Jagrup and Subhash @ Golu (petitioner). It is further the case of the prosecution that after some time, accused Jagrup came there with his Tata Magic Vehicle No.PB-08DG-

6706 and started unloading the alleged contraband from Truck No.HR-45C-9998 and loaded 21 bags in his Tata Magic vehicle. The four police officials swung into action and apprehended Jagrup along with the alleged contraband and the vehicle.

Ld. counsel for the petitioner has argued that the petitioner was neither arrested at the spot, nor any recovery was effected from him. He was implicated in the case on the basis of the alleged disclosure statement of co-accused, with the allegations that the alleged contraband was to be supplied to him. It is also not the case of the prosecution that the petitioner either paid or received any amount for purchasing/selling the alleged contraband.

Ld. counsel further states that the petitioner is behind bars since 22.02.2021. He is driver by profession and works as driver on demand with many Truck owners. Accused Amandeep Singh and Jagrup are owners of the aforesaid Truck and Tata Magic vehicle, respectively. The services of the petitioner were often required by them to drive their vehicles on long routes.

In view of the above facts and circumstances, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

April 26, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No