

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

203

**CRM-M-44153 of 2019
Date of decision : 14.02.2022**

Narinder Singh @ Soni

.....Petitioners

VERSUS

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. A.P.Kaushal, Advocate, for the petitioner.

Ms. A.K.Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner seeks concession of regular bail in case in FIR No.040 dated 29.04.2019 registered at Police Station Bahawala, Tehsil and District Fazilka, Punjab for the offences under Section 22 of the NDPS Act, 1985.

Learned counsel for the petitioners submits that as per prosecution version two persons coming on a motorcycle were apprehended and that one polythene of black colour was hanging along the handle along the motorcycle. Learned counsel for the petitioner contends that the petitioner was a pillion rider and that the motorcycle in question was owned by Binder Singh @ Binder S/o Baldev Singh, who was driving the same. It is further contended that the polythene had fallen on the ground and was recovered from the ground by the raiding party. Learned counsel further submits that petitioner in custody since 29.04.2019 and has undergone 2 years and 10 months of custody. Further only 1 witness has been examined so far. He further submits that petitioner is not involved in any other case under the NDPS Act. and that there has been a violation of the mandatory

provisions of the NDPS Act.

Ms. A. K. Khurana, DAG, Punjab, submits that 2 witnesses has been examined and as per instructions, the motorcycle in question was owned by the petitioner. It is however, not in dispute that the petitioner has been in custody since 29.04.2019 and as per custody certificate furnished to her, there is no other case under the NDPS Act, registered against the petitioner.

Considering that the recovery was not affected from the petitioner who was a pillion rider and the disputed question of conscious possession, the custody period of the petitioner as 2 years and 10 months and that the trial has not progressed since only one witness has been examined so far, I deem it fit and appropriate to enlarge the petitioner on bail.

The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, Fazilka.

The petition is disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

14.02.2022
anil

Whether speaking/reasoned :	Yes/No
Whether reportable	Yes/No