

(206)

2023:PHHC:043869

2023:PHHC:043872

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

Date of Decision: March 24, 2023

1. CRM-M-6593 of 2023

Jaswinder Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-6597 of 2023

Lovepreet Singh @ Lovely @ Jaswinder Singh @ Kala

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashish Gupta, Advocate for the petitioner(s).

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Prayer in both the aforesaid petitions, is for grant of regular bail in case FIR No.16 dated 26.01.2022 registered under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Jaitu, District Faridkot.

Allegations are that on 26.01.2022, on the basis of suspicion, a motor-cycle was spotted coming from Village Bhagtuana. Three persons were riding motor-cycle. Jaswinder Singh alias Kala (petitioner in CRM-M-6593 of 2023) was driving the motor-cycle. Lovepreet Singh alias Lovely (petitioner in CRM-M-6597 of 2023) was sitting in the middle whereas Lakhwinder Singh alias Gagna was sitting on the backside. Narcotic substance was found in the yellow coloured plastic

bag in possession of Lakhwinder Singh alias Gagna. On checking, it was found to contain 1500 intoxicant tablets which were taken into possession after completing all necessary formalities as per law. The intoxicant tablets were having the label of 'Tramadol'. Contention of both the petitioners is that they had nothing to do with the recovered contraband as the same was found from the conscious possession of Lakhwinder Singh @ Gagna. It is further contended that both the petitioners are in custody for the last more than six months and have no criminal antecedents.

Factual position as stated above, is not disputed by learned State Counsel. Custody certificates of the petitioners placed on record by learned State Counsel, also reveal that both the petitioners are in custody for the last 06 months and 20 days and none of them had any criminal antecedents.

In the aforesaid circumstances, it will be a matter of evidence during trial, as to whether the contraband recovered from co-accused Lakhwinder Singh alias Gagna can be stated to be in the conscious possession of the petitioners or not because it is co-accused Lakhwinder Singh alias Gagna who was holding the bag in which contraband was found.

Having regard to the above facts and circumstances of the case, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner – Jaswinder Singh @ Kala (petitioner in CRM-M-6593 of 2023) and petitioner – Lovepreet Singh @

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Lovely (petitioner in CRM-M-6597 of 2023) are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

A photocopy of this order be placed on the file of connected case.

March 24, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No