

CRM-M-21246-2023

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211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21246-2023
Date of Decision: 12.09.2023

Gurlal Singh @ Gony

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.88 dated 23.06.2022, registered under Section 22(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (Section 27 of the NDPS Act was added later on) at Police Station Sangat, District Bathinda.

Pursuant to the previous order dated 03.05.2023, status report by way of affidavit of Inspector Jaswinder Singh, SHO, Police Station Sangat, District Bathinda, on behalf of the respondent-State has been filed in Court today. The same is taken on record.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. As per the story of the prosecution, the petitioner was found travelling in a car from which 1050 intoxicating tablets

and 105 vials containing Omerex prohibited substance have been recovered. However, the petitioner is neither the owner of the said car nor he was the driver of the same at the time of alleged recovery. Therefore, the petitioner can be taken as a passenger travelling in the said car and the presumption under the Act would not be applicable qua the petitioner. It is further submitted that there is no other case against the petitioner and that the petitioner is in custody since 23.06.2022. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned State counsel, being instructed by ASI Gurditt Singh, has submitted that the police have made a chance recovery from the vehicle in which the petitioner was also travelling. Therefore, the petitioner is directly involved in the crime. However, it is not disputed that neither the petitioner was driving the car nor he is the owner of the said car. Even, the alleged material was not recovered from the hands or from the lap of the petitioner. Learned State counsel has also not disputed that there is no other case against the petitioner and that the petitioner is in custody since 23.06.2022.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

12.09.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No