

(207) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23198-2023

Date of Decision:12.05.2023

Jagmeet Singh @ Jugnu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. J.S. Grewal, Advocate for
Mr. Arman Gagneja, Advocate for the petitioner.

Mr. Mohit Chaudhary, A.A.G. Punjab.

SANDEEP MOUDGIL, J. (Oral)

This petition under Section 439 read with Section 482 Cr.P.C has been filed for grant of regular bail to the petitioner in FIR No.0020 dated 17.03.2023 registered under Sections 21 (b) of Narcotic Drugs and Psychotropic Substances Act, Bariwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that alleged recovery of contraband is not commercial in nature i.e. 14 grams of heroine which was allegedly recovered from the dash board of the car and car belongs to father of the petitioner. Learned counsel for the petitioner has vehemently argued that other co-accused namely Harpreet Singh and Akashdeep Singh, who were also accompanying the petitioner in the car at the time of alleged recovery had actually placed the said contraband which was not in their notice and out of good faith and trust were travelling together. Learned counsel has further relied upon the order of bail granted to other co-accused namely Harpreet Singh and Akashdeep Singh and the said relief has been granted to them on the basis of the fact that the car from which contraband was recovered belongs to the father of the petitioner.

Learned State counsel has produced the custody certificate and also

opposes the concession of regular bail to the petitioner on the ground that 14 grams of heroine was recovered from the dash board of the car which belongs to none other than the father of the petitioner. As far as the case on parity of other two co-accused is concerned, they have been granted the concession of bail only on the ground that they were only accompanying the petitioner in the car who may not aware of any such contraband lying in the dash board of the car.

Be that as it may, if in totality of facts are to be considered, prosecution story of all the three accused is similar and all of them shifted the burden to each other which cannot be gone into at this stage. Whereas it is suffice to say that contraband is non commercial in nature and it cannot be conclusively said that who was in conscious possession of the same. The petitioner has undergone 1 month and 23 days behind bars.

Considering the totality of facts and circumstances of the case particularly the custody already faced by the petitioner during the pendency of the trial which is likely to take sufficient time to conclude , this petition is allowed and the petitioner is ordered to be released on bail subject to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

12.05.2023

rajeev

Whether speaking/reasoned
*Whether reportable***(SANDEEP MOUDGIL)**
JUDGE*Yes/No*
Yes/No