



CRM-M-19563-2024

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**215 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**CRM-M-19563-2024  
Decided on : 12.07.2024

Sandeep Singh @ Fauji

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present : Mr. J.S.Sandhu, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**Manjari Nehru Kaul, J.(Oral)**

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.116 dated 08.08.2023 under Sections 21(c) of NDPS Act (Sections 25 and 29 of NDPS Act added later on) registered at Police Station Nathana District Bathinda.

2. Learned counsel for the petitioner submits that as per the admitted case of the prosecution itself, no recovery much less heroin was affected from the conscious possession of the petitioner, who was employed as a driver of the co-accused Gurjinder Singh. While drawing the attention of this Court to the FIR in question, it has been submitted that allegedly on suspicion, the petitioner along with his employer i.e. co-accused Gurjinder Singh were signalled to stop by



the police; co-accused Gurjinder Singh, who was sitting beside the petitioner, had a bag on his lap, which on search was found to contain 4 kgs of heroin. Learned counsel has still further submitted that the petitioner was merely an employee of the co-accused and could not have possibly been aware about the contents of the bag, which was being carried by his employer i.e. co-accused. It has also been asserted by the learned counsel that petitioner has never been involved in any other criminal case much less under the NDPS Act, which further lends credence to his false implication in the instant case. It has further been submitted that the investigation in the present case is complete as challan stands presented and charges framed; there is no possibility of the trial concluding in the near future as none of the 20 prosecution witnesses have been examined so far coupled with the fact that there is no apprehension of the petitioner tampering with evidence or even trying to intimidate or influence the witnesses since all the witnesses are officials.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Surinderpal Singh, has not disputed that the investigation in the case at hand is complete and even charges stand framed. However, it has been argued by the State counsel that it was a case of chance recovery wherein both the accused including the petitioner were apprehended at the spot; on being searched, co-accused Gurjinder Singh, who though is indeed the employer of the petitioner, was found



carrying a huge quantity of the contraband i.e. 4 kgs of heroin on his lap. Hence, it could be safely inferred that the petitioner would have been aware about the contents of the contraband so carried by the co-accused. However, learned State counsel, on instructions, has not been able to controvert that the petitioner is not involved in any other criminal case much less under the NDPS Act and even after being arrested on 08.08.2023, no recovery of any narcotic substance much less heroin was affected from the petitioner.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. As per the case of the prosecution, the petitioner was employed as a driver of co-accused and on the fateful day, he was driving his employer i.e. co-accused Gurjinder Singh in the latter's car, from whom alleged recovery was affected. Concededly, no recovery of any contraband has been affected from the petitioner. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. The trial would take considerable time to conclude as prosecution evidence is likely to commence on 18.07.2024.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



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7.           However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8.           Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

12.07.2024  
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**(MANJARI NEHRU KAUL)**  
**JUDGE**

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