

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-11471 of 2015 (O&M)
Date of Decision: 28.5.2015

Jaspal Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.S. Gill, Advocate for the petitioner.

Mr. Gurinder Jit Singh, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No.39 dated 27.4.2014 under Sections 15, 25, 29, 61, 85 of N.D.P.S Act, registered at Police Station, Mulepur, District Fatehgarh Sahib.

Counsel for the parties have been heard.

F.I.R in question was registered on 27.4.2014 on the basis of a secret information having been furnished to a police patrolling party headed by Inspector Kuljit Singh to the effect that Makhan Singh son of Narang Singh, Manjeet Singh son of Nihal Singh and Amarjeet Singh were indulging in transporting poppy husk in a truck bearing registration no. PB-13AF-4715. As per secret information the truck was owned by Makhan Singh and driven by Amarjeet Singh.

The vehicle in question having been intercepted, a recovery of 8 quintals 20 kgs. of poppy husk was alleged to have been made. The occupants of the vehicle were stated to have escaped from the spot.

The vehicle was found to be under the ownership of one Dilshad Akhtar as per office of D.T.O., Malerkotla.

The present petitioner has been nominated on the basis of statement recorded under section 161 Cr.P.C of Dilshad Akhtar, registered owner of the truck, who is stated to have sold the vehicle in question to the present petitioner on 8.2.2014.

A copy of affidavit of Jaspal Singh, present petitioner dated 25.3.2014 has been shown to this Court during the course of hearing today by learned State counsel and who on instructions from ASI Naib Singh would submit that such affidavit forms part of the final report/challan and as per such affidavit Jaspal Singh had sold the vehicle in question to Makhan Singh on 25.3.2014 i.e. prior to date of alleged recovery upon interception of the vehicle on 27.4.2014.

Concededly, no recovery has been made from the present petitioner and neither was he apprehended on the spot on the date of interception of the vehicle in question. Even as per affidavit dated 25.3.2014 of the present petitioner which forms the part and parcel of the challan, he had already sold the vehicle on 25.3.2014 itself to co-accused Makhan Singh.

The petitioner has been in custody since 10.12.2014.

Investigation having been completed and the challan having been presented, charges were framed on 11.2.2015. The trial is still stated to be at the very initial stage.

In the totality of the circumstances noticed herein above, the petitioner is held entitled to the concession of bail. Petition, accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of C.J.M., Fatehgarh Sahib.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.05.2015
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