

Sr. No.229

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-12850 of 2016 (O&M)

Date of Decision: 25.05.2016

Avtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CRM No.M-12878 of 2016

Kulwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Inderjeet Singh, Advocate,
for the petitioner(s).

Ms. Manpreet Dhaliwal, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM Nos.M-12850 of 2016 titled as Avtar Singh Vs. State of Punjab and CRM No.M-12878 of 2016 titled as Kulwinder Singh Vs. State of Punjab as these two connected petitions have been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner(s) therein in case FIR No.130 dated 16.08.2015 under Section 15/61/85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Bhargo Camp, District Jalandhar.

As per prosecution version, on 16.08.2015 a truck was apprehended which was being driven by Kulwinder Singh i.e. petitioner in CRM No.M-12878 of 2016 and Avtar Singh i.e. petitioner in CRM No.M-

12850 of 2016 was the cleaner of the truck. Upon search being carried out, 60 Kgs of poppy husk was recovered from the vehicle.

Both the petitioners have faced incarceration since 16.08.2015.

The alleged recovery would be construed as marginally over and above the commercial quantity.

Investigation in the case is complete, challan stands presented and even charges have been framed.

Trial is stated to be at the very initial stage and would take time to conclude.

It has gone uncontroverted that both the petitioners are not involved in any other case under the NDPS Act.

In view of the above, petitioner(s) in these two connected petitions are held entitled to the benefit of bail.

Petitions are allowed. Petitioner(s) be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Disposed of.

25.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE