

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-38103 of 2016
Date of decision : 04.11.2016**

Prince Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present: Ms. Nupur Choudhary, Advocate
for the petitioner.

Dr. Deipa Singh, Addl. A.G., Punjab.

T.P.S. MANN, J. (Oral)

This is the second petition filed by Prince Kumar-
petitioner for his release on bail during the pendency of the trial, the
first one having dismissed as withdrawn on 24.09.2016, but granting
him liberty to file a fresh one, limiting his prayer to one under
Section 439 Cr.P.C.

According to the prosecution, 5 Kgs. of poppy husk was
recovered from the possession of Amarjit Singh on 06.06.2014.
After being arrested, said Amarjit Singh suffered disclosure
statement that he had purchased the poppy husk from one Jagjit
Singh @ Foji, who runs a dhaba and said Jagjit Singh @ Foji, his
nephew Sunny and Roshan Lal, in connivance with each other had
kept the poppy husk in the house of Jagjit Singh @ Foji. This poppy

husk was being sold by Kuldeep Singh and Prince Kumar-petitioner, who worked at the dhaba. As per the disclosure statement of Amarjit Singh, raid was conducted at the dhaba on 08.06.2014, when Prince Kumar and Kuldeep Singh were arrested and on their disclosure statements, two polythene bags of black colour were found in the verandah of the house of Jagjit Singh @ Foji, which was found to contain 140 Kgs. poppy husk.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 08.06.2014. As per the FIR, he was not shown to be present when 5 Kgs. of poppy husk was recovered from Amarjit Singh. Even the recovery of 140 Kgs. poppy husk, pursuant to the disclosure statement of Amarjit Singh was made from the house of Jagjit Singh, owner of the dhaba. It is also submitted that Kuldeep Singh, co-accused of the petitioner who is similarly situated as the petitioner has already been granted the concession of bail by a Division Bench of this Court vide order dated 07.10.2016. Prayer has accordingly been made for granting the him concession of bail as well.

Learned State counsel, after obtaining instructions from HC-Davinder Singh has informed the Court that out of the 10 prosecution witnesses four have been examined while two given up. The remaining four witnesses stand summoned for 10.11.2016. Learned State counsel, however, could not refute the fact that the case of the petitioner is the same and similar as that of Kuldeep

Singh, who has been granted the concession of bail by a coordinate Bench of this Court vide order dated 07.10.2016.

After hearing learned counsel for the parties and keeping in view the fact that no recovery was effected from the petitioner and that the he is in custody since 08.06.2014, a case is made out for releasing the him on bail.

Resultantly, the petition is accepted.

The petitioner be released on bail subject to his furnishing appropriate bonds to the satisfaction of the Chief Judicial Magistrate/duty Magistrate, Fatehgarh Sahib.

(T.P.S. MANN)
JUDGE

(SNEH PRASHAR)
JUDGE

November 04, 2016

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes / No