

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

CRM-M No.39135 of 2015

Date of Decision:-13.01.2016

Jeet Singh @ Jeeti.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vivek K. Thakur, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Manjinder Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Jeet Singh @ Jeeti in case FIR No.175 dated 24.6.2014 for offences punishable under Sections 15, 61 & 85 of the NDPS Act registered with Police Station Dharamkot, District Moga.

There is alleged recovery of 31 bags of Poppy Husk each weighing 35 Kgs (totaling 108 Kgs) from a Canter No.PB-13-W-9333 while the co-accused driver Karamjit Singh was apprehended, the present accused is alleged to have fled away but was duly recognized by HC Manjit Singh and thus named in the FIR.

The aforesaid quantity of the contraband is commercial in

nature.

Petitioner is stated to be in custody since 25.11.2014.

It is contended that neither the petitioner was apprehended at the spot neither the vehicle belongs to the petitioner. The owner of the vehicle has not been nominated as an accused nor he has connected the petitioner to the alleged offence. Even the disclosure statement of the co-accused Karamjit Singh has not named the petitioner as involved in the offence as appended with the challan. It is further stated that there are 16 Pws and only one has been examined so far.

Learned State Counsel assisted by ASI Manjinder Singh submits that the petitioner is involved in two more cases of NDPS Act, however, he was enlarged on bail in the said cases ostensibly in view of the quantities being non commercial.

Without commenting on the merits of the case, keeping in view the totality of the facts including the custody period and that trial has hardly progressed, the present petition is allowed and the petitioner Jeet Singh @ Jeeti is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Moga.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

January 13, 2016
Vinay