

**IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.**

TAPINDER SINGH MANN
20/04/2016 18:10

Cr. Misc. M 39961 of 2015
Date of decision:- 1.4.2016

Sonu

Petitioner

VS.

State of Punjab

Respondent

Present: Mr. LS Sekhon, Advocate.
Ms. HK Athwal, DAG, Punjab

M.M.S.BEDI,J.

This is a second petition for regular bail in a case of recovery of 380 kgs of poppy husk from a Safari Car. No one was arrested from the spot, being in possession of the poppy husk. The allegation against the petitioner is that the petitioner had been driving the said car and he fled away from the spot. His identification is based upon the testimony of HC Gurinder Pal Singh and HC Surinder Singh. During the course of investigation, it transpired on the basis of statement of Nirbhai Singh that the said vehicle had been purchased by the petitioner from him.

Taking into consideration the nature of the allegations, the standard of the evidence produced and the period of detention of the petitioner i.e. 3 years and 3 months and only two witnesses having been partly examined, the petitioner can be granted the concession of bail as it will certainly be a debatable issue whether the petitioner could be said to have been found in actual physical possession of the contraband from the vehicle, suspected to be owned by the petitioner.

The petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial court. The petitioner will not commit the similar offence, of which he is accused of during pendency of the trial. In case of any such eventuality, it will be open to the prosecution agency to seek cancellation of bail.

April 1 ,2016
TSM

(M.M.S.BEDI)
JUDGE