

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

Cr. Misc. M 42551 of 2015
Date of decision:- 12.2.2016

Sikander Singh @ Shindi

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Aminder Singh, Advocate.
Ms. Simsi Dhir, DAG, Punjab

M.M.S.BEDI,J.

The petitioner along with two other co-accused was arrested while carrying 90 kgs of poppy husk in a trolly. On his personal search, 100 grams of opium was recovered from the pocket of the petitioner. The vehicle was being driven by Jarnail Singh.

Counsel for the petitioner submits that as a matter of fact, the poppy husk was recovered from another truck, having registration No. PB 10 T 1258, which was going ahead of the petitioner, which had met with an accident with a car near dhaba. The petitioner had made an attempt to protect the driver of the truck, who was being thrashed. For this reason, the petitioner and other occupants of the truck have been arrayed as accused. The quantity of the poppy husk recovered from the truck, which was occupied by the petitioner and others, is 90 kgs. It will be debatable during the course of trial whether they would be deemed to be in exclusive possession of the same or they would be individually liable for the said quantity. The petitioner claims that he has filed representations to senior Police Officers regarding his false involvement.

After taking into consideration the circumstances of the case, it

appears that the petitioner has put forth a defence, the authenticity of which is to be determined during the course of trial.

In view of the fact that poppy husk has been recovered from three persons; the petitioner having been in custody since 2.6.2015; challan having been presented without report of Chemical Examiner; no witness having been examined till date on account of the said reason, the petitioner can be granted the concession of bail.

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.

February 12 ,2016
TSM

(M.M.S.BEDI)
JUDGE