

CRM-M-9028-2016

Date of Decision : 27.04.2016

Kulwant Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of regular bail in a case registered in a case of recovery of 201 kg of poppy husk from co-accused of the petitioner, Romi Kaur who was arrested along with the contraband while unloading the bags.

So far as the petitioner is concerned, he allegedly fled away from the spot in Bolero Car. The petitioner was not arrested from the spot as such his identity will certainly be a debatable issue during the course of trial.

I have heard learned counsel for the petitioner and the State counsel. The police record indicates that the petitioner has been involved in the case on the basis of disclosure statement of co-accused Romi Kaur in custody and statement of Head Constable Kashmir Singh who had allegedly identified the petitioner. Sandeep Singh has also made a statement regarding the identity of the petitioner. It has been informed that Sandeep Singh has already expired. In view of the fact that the petitioner was not arrested along with the poppy husk, it will

certainly be a debatable issue whether he can be said to be in actual physical possession at the time when recovery was effected.

Petitioner has been in custody with effect from 26.07.2015. Only four, out of 13 witnesses, have been examined. The wife of the petitioner is stated to be a patient of Cancer. He had been granted concession of interim bail till 29.04.2016 on this ground.

The petition in above said circumstances is allowed. It is ordered that petitioner will surrender on 29.04.2016 after the completion of the period of interim bail. Thereafter, he would be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

27.04.2016
Neha