

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

**CRM-M No.10948 of 2017  
Date of Decision: 06.04.2017**

Avtar Singh Bagga .....Petitioner

Versus

State of Punjab ... Respondent

**CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:Mr. R.K. Gupta, Advocate  
for the petitioner.

Mr. P.S. Ghuman, Addl, AG, Punjab.

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**RAJ MOHAN SINGH, J.(ORAL)**

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.28 dated 15.03.2014, registered under Sections 15/25/61/85 of the NDPS Act, at Police Station Hathur, District Ludhiana.

Four accused namely Avtar Singh @ Bagga, Tarsem Singh @ Sema, Gurmail Singh and Jagjit Singh were involved in the case. At one point of time, Gurmail Singh filed CRM-M No.10257 of 2016 in this Court, in which following order was passed:-

*“This is a petition for the grant of regular bail in case bearing FIR No. 28 dated 15.03.2014, under Sections 15/25/61/85 NDPS Act, registered at Police Station Hathur, District Ludhiana.*

*The case against the petitioner is that he was allegedly apprehended with 360 kilograms of poppy*

*husk on the basis of a secret information.*

*Learned counsel has argued that the petitioner has been in custody since 15.03.2014 and now de novo trial has to start because some other persons have been summoned. Learned DAG, on instructions from ASI Parminder Singh, states that the prosecution will conclude its entire evidence on or before 23.12.2015 (subject to the accused not obstructing the same).*

*In these circumstances this petition is dismissed at this stage with a direction to the trial Court that in case the prosecution evidence is not concluded by 23.12.2016(subject to the accused not obstructing the same)the trial Court shall release the petitioner on bail to its satisfaction.*

*Petition stands disposed of.*

*Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.”*

Concededly, the trial was not concluded within the prescribed period and Gurmail Singh has since been granted regular bail by the trial Court. As per FIR, petitioner was the driver of one of the truck, from which 10 bags of poppy husk were allegedly recovered. Recovery from the second truck was of 8 bags in which Gurmail Singh was a co-occupant along with Tarsem Singh as driver.

Petitioner has already undergone more than 3 years of

imprisonment as on date. Learned State counsel on instructions from ASI Sukhwinder Singh states that the prosecution evidence is almost complete, except one formal witness to be examined on 18.04.2017.

From the record, it appears that the allegations against the petitioner are at par with that of Gurmail Singh, who has already been granted regular bail by the trial Court.

In view of above, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail on parity with Gurmail Singh subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

06.04.2017  
prince

**(RAJ MOHAN SINGH)**  
**JUDGE**

**Whether Reasoned/Speaking**

**Yes/No**

**Whether Reportable**

**Yes/No**