

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-1195-2015

Date of Decision: 08.02.2017

Jagjit Singh @ Fauji

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.S. Bedi, Senior Advocate, with
Mr. Harpreet Multani, Advocate,
for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed under Section 482 read with 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No. 56 dated 06.06.2014 registered at Police Station Mulepur, District Fatehgarh Sahib, for the alleged commission of offences punishable under Sections 15/61 of the NDPS Act, 1985.

Learned Senior Counsel appearing for the petitioner submits that though the recovery of 140 kgs of poppy husk is shown to have been made from the premises of the petitioner, however, it is admittedly from the part of the premises of the petitioner which he had rented out to one Roshan Lal, who was running a '*Dhabha*' from it, with the petitioner and his family staying in the rear part of the premises.

He further submits that Roshan Lal, who was running the

'*Dhabha*' and from whose premises the recovery is stated to have been

made, has been already admitted to bail by a co-ordinate Bench, vide an order dated 05.01.2015, passed in CRM-M-32780 of 2015.

Learned State counsel does not dispute the factual position aforesaid, however, he contends that firstly, from the petitioners' premises also, 07 empty bags bearing resemblance to the bags containing poppy husk that was recovered from Roshan Lals' premises, were recovered and moreover, out of the 12 prosecution witnesses, only 04 remain to be examined, with the next date of hearing being 15.02.2017.

Having considered the aforesaid, though with only 04 witnesses remaining to be examined, possibly what learned State counsel is saying would have been correct, however, in view of the fact that the person from whose premises the poppy husk was actually recovered, has already been admitted to bail by this Court and from the petitioner no actual recovery of contraband has been made, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court, further subject to any condition that would be laid down by that Court.

(AMOL RATTAN SINGH)
JUDGE

February 08, 2017

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Whether speaking/reasoned

Yes

Whether Reportable

No.