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

CRM-M No.15591 of 2018
Date of Decision: 26.04.2018

Harpal Singh @ Pala

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Lakhwinder Singh Sekhon, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner is accused of offence under Section 15 of the NDPS Act in case bearing FIR No.201 dated 22.11.2017, registered at Police Station Sadar Dhuri, District Sangrur.

2. Learned counsel for the petitioner relies upon order dated 25.04.2018 passed in CRM-M No.15314 of 2018 titled 'Jagsir Singh @ Marru vs State of Punjab' to contend that regular bail has already been granted to the co-accused in the same FIR.

3. Following order was passed in the aforesaid case:-

"1. Petitioner is accused of offence under

Section 15 of the NDPS Act in case bearing FIR

No.201 dated 22.11.2017, registered at Police Station Sadar Dhuri, District Sangrur.

2. *Four persons were involved in commission of aforesaid offence when they were allegedly sitting in a truck. Co-accused namely Shinder Singh ran away from the spot. Three persons namely Jagsir Singh (petitioner), Pal Singh and Harpal Singh were arrested from the spot. On search of the truck, three bags each containing 22 kgs. of poppy husk i.e.total 66 kgs. of poppy husk was recovered.*

3. *Petitioner was the driver of the truck whereas Co-accused Pal Singh was owner of the truck.*

4. *Learned counsel for the petitioner submitted that since the alleged recovery is marginally above than the prescribed quantity and that too from four persons, grant of regular bail may be considered.*

5. *Learned counsel relies upon **Shinda vs State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu vs State of Punjab, 2012(22) RCR (Criminal) 301.***

6. *As against this, learned State counsel on instructions from HC Kaka Singh submitted that as*

the recovery is from the truck and not from the conscious possession of the petitioner, therefore, compliance of Section 50 is not mandatory, however, he admits that one of the co-accused namely Shinder Singh @ Shinderpal Singh has already been granted interim anticipatory bail by the High Court in CRM-M No.15129 of 2018 vide order dated 13.04.2018.

7. At this stage, without meaning anything on the merits of the case and looking to the quantity recovered from the truck, I deem it appropriate to enlarge the petitioner on regular bail.

8. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

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

4. The aforesaid fact has not been denied by learned State counsel.

5. At this stage, without expressing anything on the

merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

6. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

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

26.04.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No