

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41030-2018

Date of decision: 21.09.2018

Jagjeet Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Deepshikha Chauhan, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.130 dated 29.05.2018 under Section 15 of NDPS Act and Section 120-B IPC, registered at Police Station Dabwali Sadar, District Sirsa.

Learned counsel for the petitioner submits that as per allegations in the FIR, on receiving a secret information that two trucks bearing registration No.PB-05M-9351 and PB-05Y-5637 had gone to Rajasthan and would return with contraband, the police laid barrier and stopped truck bearing registration No.PB-05Y-5637. The driver of this truck disclosed his name as Jagjeet Singh (petitioner) and the conductor disclosed his name as Kulwinder Singh @ Kindi son of Gurdeep Singh. On checking the truck, it was found with filled with big size gas cylinders and during the investigation, the driver and conductor informed that another truck bearing registration No.PB-05M-9351, which is 4-5 kilometers behind them, is coming and huge quantity of contraband is kept in that truck. After some time, said truck reached the spot and was stopped. Name of the driver was Kulwinder @ Kindi and conductor's name was Baltej. After

issuance a notice under Section 50 of the NDPS Act to the aforesaid driver and conductor of truck No.PB-05M-9351, 440 kg poppy husk was recovered. It is further submitted that the petitioner is not involved in any other case and he has been involved in the case/FIR on the basis that both the trucks were owned by the same owner.

Learned counsel for the petitioner further submits that no recovery was effected from the truck driven by the petitioner and no notice was given to him under Section 50 of NDPS Act and only allegation is that he had the knowledge that the truck following his truck is carrying contraband.

Learned State counsel has filed the custody certificate dated 20.09.2018 and as per this custody certificate, the petitioner is in judicial custody for the last 03 months and 21 days and is not involved in any other case. Learned State counsel has submitted that the investigation is complete and the challan will be presented soon in the Court.

Without commenting anything further on merits of the case, considering the fact that the petitioner is not involved in any other case; no recovery was effected from his truck and while effecting the recovery from another truck, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.09.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No