

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

**CRM-M-47512-2018
Date of decision: 10.12.2018**

Kulwinder Singh @ Kindi

...Petitioner

Versus

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)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 130 dated 29.05.2018, registered under Section 15 of the Narcotic Drugs & Psychotropic Substances Act and Section 120B IPC at Police Station Dabwali, District Sirsa, Haryana.

Learned counsel for the petitioner submits that while granting regular bail to co-accused Jagjeet Singh on 21.09.2018, the following order has been passed by this Court in CRM-M-41030-2018:

“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/Illaqa Magistrate/Duty Magistrate.”

Learned counsel for the petitioner further submits that in fact petitioner Kulwinder Singh @ Kinda son of Gurdeep Singh was working as Conductor on the truck, driven by aforesaid co-accused Jagjeet Singh, and no recovery was effected from his truck which was carrying gas cylinders.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 29.05.2018 and he is not involved in any other case.

Learned State counsel, on instructions from ASI Ishwar Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting anything on the merits of the case, considering the fact that petitioner is in judicial custody since 29.05.2018; he is not involved in any other case; no recovery was effected from his truck; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 10, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No