

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48276-2018

Date of Decision: 10.12.2018

Ram Chand

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Piyush Sharma, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this second petition under Section 439 Cr.P.C., petitioner-Ram Chand, has prayed for grant of regular bail in case FIR No. 42 dated 06.04.2018 registered under Sections 15 and 25 of the NDPS Act at Police Station Kulgarhi, District Ferozepur.

According to the prosecution, on the basis of secret information, a barrier was laid by the police on Faridkot Road. A canter bearing registration No. PB-03-AC-0277, was apprehended in which co-accused-Gopal Chand and Raju, were carrying 250 Kgs. of poppy husk. Since, they could not show any permit or licence, therefore, they were arrested at the spot. The truck belonged to the petitioner, therefore, he was also made an accused under Section 25 of the NDPS Act.

Learned counsel *inter alia* contends that the petitioner had already sold his aforesaid canter to co-accused on 04.01.2018 i.e. around

4 months prior to the date of alleged recovery. The contraband was not carried by subsequent purchaser with the consent of petitioner. Therefore, the petitioner is totally innocent. More so, Investigating Officer, SI Suresh Kumar, appearing as PW-2, when was specifically asked as to whether the alleged contraband was being transported with the consent of petitioner on the alleged date and time, he replied in negative, testifying that he did not investigate this aspect of the matter. Therefore, as on date the prosecution has failed to prove the complicity of petitioner in the statement of said material witness.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Ram Chand, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

December 10, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No