

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

240

CRM-M-10531 of 2019

Date of decision : 15.10.2019

Harjeet Singh @ Babbu

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Karanjit Singh Brar, Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. A.G., Punjab

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.87, dated 17.12.2018, under Section 15 of the NDPS Act, registered at Police Station Sadar Abohar.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he was sitting in a truck towards the conductor side while the recovery of 100 kgs. of poppy husk was effected from five bags in the truck. The petitioner is neither the owner nor the driver of the truck. Co-accused, who is driver and owner of the truck, is in custody. The petitioner is in custody for over ten months and is not involved in any other case under the NDPS Act. He also contends that the complainant, namely, SI Jalandhar Singh, had himself conducted the investigation which had caused grave prejudice to the petitioner. He has relied upon the judgment of the Supreme Court in the case of **Varinder Kumar vs. State of Himachal Pradesh** passed in Criminal Appeal Nos.2450-2451 of 2010, on 11.02.2019. He has also cited

judgment of Coordinate Bench of this Court in CRM-M-12035 of 2018, titled as **Raghvir Singh vs. State of Punjab**, dated 16.10.2018, wherein the petitioner therein had been granted regular bail who was apprehended with 90 kgs. of poppy husk and after he had been in custody for three months.

Learned State counsel, upon instructions from ASI Bishlesh Kumar, contends that although challan has been presented but no prosecution witness has been examined.

Heard.

In view of the submissions of the learned counsel for the petitioner especially when the petitioner is in custody for over ten months, he is not involved in any other case under the NDPS Act and the conclusion of the trial is likely to take sometime, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

October 15, 2019

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