

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

**CRM-M No. 19118 of 2019
Date of Decision:-02.05.2019**

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Anmol Partap Singh Mann, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Davinder Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.113 dated 17.10.2018, under Sections 15 and 29 of NDPS Act, 1985, registered at Police Station Sujampur, District Pathankot.

As per the prosecution case, a secret information was received, whereby it was informed that Sukhwinder Singh and Davinder Singh (petitioner) are engaged in sale and purchase of poppy husk. It was mentioned that truck/canter No.PB-65-P-9306 loaded with apples also carry poppy-husk, proceeding from Srinagar to Pathankot and Jalandhar. Acting upon such information, the said vehicle was intercepted and on search 205 kilograms of poppy husk was recovered. Along with that 615 cartons of

apples were also recovered from the said vehicle. Sukhwinder Singh was allegedly driving the vehicle whereas petitioner was his co-passenger.

Learned counsel for the petitioner contends that the case set up by the prosecution does not reflect conscious possession from the petitioner in respect of the contraband, which was hidden beneath apples' boxes. Besides it is pointed out that the consignment had started from Srinagar and was to reach at Jalandhar and the police had collected the bilty papers of the material contained in the truck/canter. According to learned counsel for the petitioner, the vehicle is owned by Paramjit Singh, which was allegedly sold through an affidavit to Sukhwinder Singh. It is contended that the petitioner had taken the lift and was not aware about the material loaded in the truck/canter.

The bail application is opposed by learned State counsel, who is assisted by Inspector Ashwani Kumar. According to him commercial quantity of poppy husk was recovered. It is not disputed that the papers of consignment of apples were also recovered, and the consignor and consignee were also associated in investigation but were not indicted as accused. It is further pointed out that the trial Court has framed the charges on 30.1.2019, however, no witness out of total 16 has been examined. It is also not disputed that there is no other case of similar nature pending against the petitioner.

Considering the above, the role of the petitioner and the fact that the trial is likely to consume considerable time, further custody of the petitioner may not be justified. Therefore, without meaning any expression

of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

May 02, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No