

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

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CRM-M-38750- 2018
DATE OF DECISION: 9.07.2019

PAL SINGH @ JASPAL SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. P.S. Sekhon Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.201, dated 22.11.2017, under Section 15 of the NDPS Act, registered at Police Station Sadar Dhuri, District Sangrur

Learned counsel for the petitioner contends that the allegations in the FIR are that four persons were allegedly sitting in a truck. Co-accused Shinder Singh ran away from the spot, while remaining 3 persons namely, Jagsir Singh, Harpal Singh and the petitioner were arrested from the spot. On search of the truck, three bags each containing 22 kgs. of poppy husk i.e. total 66 kgs of poppy husk were recovered. He further contends that the recovered quantity is marginally above the commercial quantity and if the weight of the bags is excluded, the quantity would be even lower.

Learned counsel for the petitioner also relies upon the judgment of this Court in **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557 and Lakhwinder Singh @ Bittu vs. State of Punjab, 2012(2) RCR(Criminal) 301.**

Learned counsel for the petitioner further contends that co-accused Jagsir Singh @ Marru and Harpal Singh @ Pala have been granted regular bail by Co-ordinate Bench of this Court in CRM-M No.15314 of 2018 on 25.04.2018 and in CRM-M No.15591 of 2018 on 26.04.2018 respectively. He further contends that the petitioner was involved in one NDPS case earlier and was convicted for possession of non-commercial quantity of poppy husk in the year 2001 and he had completed the sentence of two years in that case. The petitioner is in custody for over 1 year and 8 months. Learned counsel for the petitioner undertakes that petitioner is 50 years old and will not indulge in any such activities in future.

Learned State counsel, upon instructions from ASI Sukhpal Singh, states that 2 out of 22 prosecution witnesses have been examined and the matter is listed for today itself for examination of the remaining prosecution witnesses.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is in custody for over 1 year and 8 month, co-accused Jagsir Singh @ Marru and Harpal Singh @ Pala have been granted regular bail and the conclusion of the trial is likely to take some time, 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 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.

However, the petitioner shall appear before the Police Station Sadar Dhuri, District Sangrur on the first Wednesday of every month. In

case, the petitioner indulges in any such activity, the State shall be at liberty to move an application for cancellation of bail.

09.07.2019

raksh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No