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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22920 of 2019

Date of decision: May 24, 2019

Bhupinder Singh @ Pappy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.P. Batra, Advocate for
Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.108 dated 02.08.2018, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Fazilka, District Fazilka.

Custody certificate dated 23.05.2019 filed by learned State counsel, today in Court, is taken on record.

Allegations are that on 02.08.2018, ASI Harbans Lal along with other police officials, were on routine patrolling near the turn of village Hasta then noticed four hair cut young persons standing on village Hasta's Turn with motorcycle Dominer, colour black blue and scooty Maestro colour white and kept something in polythene bag, who on suspicion were stopped. Out of those four persons, petitioner and two others were apprehended while the fourth escaped and from the search of polythene bag, 52 kgs of poppy husk was recovered.

Contents that petitioner is in custody since 02.08.2018 and charges were framed on 05.04.2019, but till date, no prosecution witness has been examined. Also contends that three of the co-accused of the petitioner, namely

Mukhtiar Singh @ Mukha, Gurwinder Singh @ Kalu and Pala Singh @ Palli have already been released on bail by this Court.

The above factual position is duly acknowledged by learned State Counsel, on instructions from police official who is present in Court to assist him, but opposed the bail on the ground that recovery is commercial quantity.

Heard both sides and perused paper book.

Admittedly, the petitioner is in custody since 02.08.2018 and the co-accused against whom the allegations are similar to the petitioner, have already been granted the concession of bail pending trial by this Court, therefore, this Court deems it appropriate if the concession of bail is granted to the petitioner.

As a result thereof, this petition is allowed. The petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is clarified that in case there is recurrence on the part of the petitioner, prosecution would be at liberty to move an application for recalling of this order.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

May 24, 2019
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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**