

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26741-2019

Date of decision-05.11.2019

Kulwinder Singh @ Kinda

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Prachi Grover, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Kulwinder Singh @ Kinda has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.124 dated 18.10.2018 under Sections 15, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar, Kapurthala, District Kapurthala.

The FIR was registered with the allegations that on 18.10.2018, when the Police party was present near Peer Baba Rukha Hamira Road, Kapurthala, at about 2.30 p.m., one truck bearing No.PB-09-S-9475 was signalled to stop. The driver of the truck tried to run away but he was apprehended along with his accomplices. After following the procedure, the search was conducted and ten bags containing poppy husk (25 k.gs from each bag) were recovered from the truck.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. She further contends that petitioner is neither owner of the truck nor arrested from the spot. She submits that there is no other case against the petitioner, therefore, further custody of the petitioner is not required.

Learned State counsel who is assisted by ASI Surjeet while opposing the prayer of the petitioner has contended that the quantity recovered from the petitioner falls within the ambit of commercial quantity, therefore, the petitioner does not deserve the concession of regular bail. He has further contends that the vehicle from where the contraband was recovered belongs to son of the petitioner.

Considering the nature of contraband recovered and the fact that the trial is yet to commence, no case is made out for grant of regular bail to the petitioner.

Consequently, petition is dismissed.

05.11.2019

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**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No