

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

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CRM-M-29267-2019

DATE OF DECISION: 09.12.2019

KALA SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Prateek Pandit, 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.275 dated 22.09.2018, under Sections 15 and 29 of the NDPS Act, 1985, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been arraigned as an accused on the statement of the co-accused. He further states that the FIR is lodged on the basis of secret information, in pursuance to which, recovery of poppy husk was effected. The petitioner has been arraigned as an accused on the statement of the co-accused Binder Singh. The prosecution story is highly improbable and it is alleged that in the presence of 9-10 persons, the accused had run away. Recovery of 24 bags of poppy husk each weighing 20 kg was effected from a truck. The petitioner has no connection with that truck. The petitioner is in custody for over 7 months. He also contends that the petitioner has been falsely implicated as he was involved in another case wherein recovery of small

quantity of poppy husk (7 kg) was effected from him and he is on bail in that case.

Learned State counsel, upon instructions from ASI Rajbir, states that charges have been framed but none out of 18 prosecution witnesses has been examined.

Heard.

In view of the submissions of learned counsel for the petitioner, especially when petitioner has been arraigned as an accused on the statement of the co-accused, he is in custody for over 7 months 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.

(ANUPINDER SINGH GREWAL)

JUDGE

09.12.2019.

SwarnjitS

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No