

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40805-2019

Date of decision : 19.11.2019

Avtar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ashok Giri, Advocate
for petitioner.

Mr. Ramandeep Sandhu, Senior DAG Punjab.

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C. for grant of bail in case FIR No. 38, dated 3.8.2019, registered under Sections 15 and 25 of NDPS Act, at Police Station Handesra, District SAS Nagar.

As per allegations in FIR, 52 kg of poppy husk was recovered from truck which was driven by accused Baljit Singh and Satnam Singh was accompanying him. The name of petitioner came up in the statement of co accused Baljit Singh as owner of truck.

The learned counsel for petitioner while not denying ownership of the truck states that due to ill health, petitioner has engaged accused Baljit Singh as a driver. He cannot be held liable if driver of his own transports some contraband. The petitioner is in custody since 5.8.2019. There is no other case pending against him.

Without commenting anything on merit of case and also bearing in mind the fact that petitioner is in custody since 5.8.2019, no useful purpose would be served by keeping him behind bars. Hence, petition is allowed. He is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

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SANJIV KUMAR SHARMA
2019-11-21 10:29
I attest to the accuracy and
authenticity of this document

However, if petitioner indulges in any activity of similar nature,
while on bail, prosecution agency will be at liberty to seek cancellation of
order granting bail to petitioner.

(HARINDER SINGH SIDHU)
JUDGE

19.11.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No