

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

**CRM-M No. 46063 of 2019
Date of Decision:-05.11.2019**

Shanker Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

MANOJ BAJAJ J.(Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.98 dated 17.08.2018, under Section 15 of the NDPS Act, 1985, registered at Police Station Khanauri, District Sangrur. The petitioner is in judicial custody since 17.8.2018.

On 17.08.2018, when the Police party was on patrol duty at Ghaghar Bridge, Patran Road, Khanauri, a secret information was received that in Truck No.PB-10- GK-3999, Mohd. Anwar, Amit Lal and Shanker

Singh (petitioner) were coming who were involved in business of selling poppy husk and if checked, they can be apprehended. After completion of formalities, Police acted upon this information and apprehended the said truck. Recovery of 95 kilograms of poppy husk, contained in three plastic bags was effected from the truck.

Learned counsel for the petitioner contends that the investigation is complete and charges were framed on 13.02.2019, however, out of 19 prosecution witnesses, only four have been examined till date. He further contends that the petitioner is not involved in any other case of similar nature. The co-accused of the petitioner, namely, Amit Lal @ Amrit Lal and Mohd. Anwar have already been granted the concession of regular bail by this Court passed in CRM-M-34161-2019, decided on 28.08.2019 and in CRM-M-40832 of 2019, decided on 18.10.2019. He further submits that the case of the petitioner is at par with co-accused Mohd. Anwar.

On the other hand, learned State counsel assisted by ASI Karamjit opposed the bail application on the ground that the recovery falls within the commercial quantity, however, it is not disputed that the petitioner is not involved in any other case much less of the similar nature. He submits that 15 witnesses still remain to be examined on behalf of the prosecution.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Sangrur.

The petition is allowed.

November 05, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No