

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

**CRM-M No. 47182 of 2019
Date of Decision:-16.11.2019**

Jatinder Kumar @ Tajinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Jatinder Kumar @ Tajinder Kumar has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 0008 dated 23.6.2018, under Section 15 of Act 61 of NDPS Act, registered at Police Station Nangal Bhoor, District Pathankot. The petitioner is in custody since his arrest on 24.9.2019.

The FIR was registered on the basis of secret information to the effect that Ashwani Kumar @ Dara and Jatinder Kumar (petitioner) were indulging in the business of selling poppy husk by bringing it from Kashmir. It was informed that on the day of incident, they would be coming in a vehicle Bolero colour white bearing registration No.JK-03-E-1711

being driven by Amir Ahmad Gani. On the basis of that information, raid was conducted and the accused persons on seeing the police party left the vehicle in front of Cardboard Factory and ran towards Chakki river. During search of the vehicle, total five bags of poppy husk, containing 15 kilograms in each, were recovered.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case and neither he has been arrested from the spot nor any recovery has been effected from him. The recovery of contraband, as alleged, has been effected from a parked vehicle. He further contends that the vehicle, from which the contraband has been recovered, does not belong to the petitioner. He submits that the challan is yet to be presented, and trial will take sufficient time to conclude, therefore, further detention of the petitioner may not be justified. He also relies upon the order dated 01.11.2018 passed by this Court in CRM-M-35419-2018, whereby co-accused, namely, Ashwani Kumar @ Dara has been extended the concession of anticipatory bail by this Court.

On the other hand, learned State counsel, who is assisted by ASI Kuldeep Singh, opposed the prayer on the ground of seriousness of offence. However, it has not been disputed that the challan is yet to be presented.

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, Pathankot.

The petition is allowed.

November 16, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No