

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

**CRM-M No.49375 of 2019
Decided on: 26.11.2019**

Joginder Singh and another	Versus	Petitioners
State of Punjab		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.P. Devgan, Advocate for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.87 dated 11.07.2019, for offence punishable under Sections 15, 22 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') registered at Police Station City Fazilka, District Fazilka.

Counsel for the petitioners has submitted that he do press the present petition *qua* petitioner No.2 – Ranjit Singh, who was the conductor of the truck and he may be permitted to withdraw the petition *qua* petitioner No.2 – Ranjit Singh, at this stage.

Dismissed as withdrawn *qua* petitioner No.2 – Ranjit Singh, at this stage.

Counsel for the petitioners on behalf of petitioner No.1 has argued that as per the allegations in the FIR, the police party on suspicion stopped one truck bearing No.PB05-Y-6015 and there were two occupants in the truck and on enquiry, the driver disclosed his name as Joginder Singh (petitioner No.1 herein) and the other person sitting on the conductor side informed his name as Ranjit Singh. On

search of the said truck, one plastic bag was recovered from the back side of the driver's seat, which was containing 10 Kgs of poppy husk and from the personal search of Ranjit Singh, conductor, 11 strips of intoxicant tablets were recovered from the right side of his pant.

Counsel for the petitioners on behalf of petitioner No.1 has further submitted that the recovery from the petitioner No.1 is of 11 Kgs of poppy husk, which falls in the non-commercial quantity and he is not involved in any other case. It is also argued that the investigation is complete and the conclusion of the trial is likely to take some time.

Counsel for the State, on instructions from the Investigating Officer has not disputed the factual position but opposed the prayer for bail of petitioner No.1.

Without commenting anything on merits of the case, considering the fact that the recovery effected from petitioner No.1 is of non-commercial quantity; he is not involved in any other case and is in custody from the last 04 months and also in view of the fact that the conclusion of the trial will take some time, this petition is allowed and petitioner No.1 namely Joginder Singh, is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if petitioner No.1 – Joginder Singh, is found involved misusing the concession of bail, in any manner.

26.11.2019

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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No