

Sr.No.220

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

**CRM-M-2396-2020
Date of decision:07.02.2020**

Rajwinder Singh @ Raju

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, AAG, Punjab.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed for seeking regular bail in FIR No.71, dated 27.07.2018 for the offence punishable under Section 15 of NDPS Act, 1985 registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner has argued that in the present case there is fragment violation of guidelines which have been issued by Director General of Police, Punjab with regard to the use of private vehicles. It is stated in the guidelines that private vehicle should not be used in NDPS Act, cases. If private vehicle is used, then it should be duly included in the record and receipt of its payment should be obtained and it should be entered in log book alongwith details. Learned counsel for the petitioner has submitted that no record has been maintained and the petitioner has been falsely implicated in the present case. He has stated that the alleged recovery of 85 kgs of poppy husk was from the dicky of the car with which the petitioner has no connection. The petitioner is in custody since 27.07.2018 and the prosecution is not progressing.

Per contra learned State counsel on instructions from ASI Yadvinder Singh states that it is not disputed that the petitioner is in custody since 27.07.2018 which is almost 1½ years. He has not been able to controvert the averment made by learned counsel for the petitioner that private vehicles were used for which no entry was made. He has further submitted that it is a case where 85 kgs of poppy husk was taken into possession and therefore, he has opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties and perused the available record. The petitioner is not involved in any other case and in the present case, he is in custody since 27.07.2018. Out of 17 witnesses only 5 witnesses have been examined whereas charges in the present case were framed on 11.12.2018.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

7th February, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*