

1)

CRM-M-8110-2020(O&M)
Date of decision: 31.07.2020

PARAMJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

2)

CRM-M-14398-2020

GURINDER SINGH @ GINDA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Vijay Lath, Advocate
for the petitioner (in CRM-M-8110-2020).Mr. Jaswinder Singh Grewal, Advocate
for the petitioner in (CRM-M-14398-2020).

Mr. Ramandeep Singh Sidhu, Sr. DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).***VIVEK PURI, J. (ORAL)**

Heard.

Perused.

At the very outset, it may be mentioned here that Paramjit Singh,
petitioner was granted interim bail for a period of 10 weeks in terms of order dated
22.05.2020 and Gurinder Singh @ Ginda was granted interim bail for a period of
10 weeks in terms of order dated 24.06.2020.

In the instant case, 50Kg 500gm of Poppy Husk has been recovered from the possession of both the accused.

It has been contended by the learned counsel for the petitioner(s) that the weighment has been carried out alongwith two gunny bags in which the poppy husk was allegedly being carried. Even otherwise the quantity of contraband recovered from the possession of the accused is marginally above the commercial quantity. The reliance has been placed upon the decisions rendered by this Court in **Karambir Versus State of Haryana 2020(1)RCR (Criminal) 766; Yadwinder Singh @ Ghona Versus State of Punjab 2019(1) Law Herald 43; Pargat Singh Versus State of Punjab 2018(2) Law Herald 1058 and Manju Versus State of Punjab 2015(9)RCR (Criminal)41**. It has also been stated that Paramjit Singh is not involved in any other case whereas Gurinder Singh @ Ginda has involved in another case under NDPS Act but he is on bail in that case.

In the instant case, the arrest of the petitioners was effected on 23.10.2019, the investigation of the case is complete and the challan has already been presented in the Court. 07 witnesses have already been examined and 04 witnesses have been given up.

Furthermore, the quantity of contraband recovered is marginally above the commercial quantity and the weighment has been carried out alongwith two gunny bags. In such circumstances, it is also become debatable as to whether the quantity of contraband falls in the category of commercial quantity or not.

For the aforesaid reasons, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty

Magistrate. The fresh bail bonds shall be furnished within a period of two weeks from today.

The petitions are allowed.

31.07.2020
renubala

(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No