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

**CRM-M No.13031 of 2020 (O&M)
Date of Decision: 08.06.2020**

GURDEV SINGH @ DEEBU

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. H.S. Sullar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.130 dated 05.08.2019, registered under Section 15 of the NDPS Act at Police Station Nihal Singh Wala, District Moga.

As per prosecution case, 400 kgs. of poppy husk in 20 bags each containing 20 kgs. was recovered from a Truck. Karaj Singh, Manpreet Singh and Sandeep Singh were arrested at the spot along with case property. The aforesaid accused have been granted bail under Section 167(2) Cr.P.C.

Petitioner was arrested on the basis of disclosure statement of co-accused Manpreet Singh, who disclosed that the petitioner was also having share in the poppy husk to the extent of 10 bags. It was also disclosed that the petitioner has already paid amount for 10 bags of poppy husk to co-accused Manpreet Singh. Petitioner was not arrested from the spot. Challan has been presented on 16.03.2020. Petitioner is in custody since 12.02.2020.

Learned State counsel on instructions from the Investigating Officer submitted that the petitioner is having antecedent behaviour of criminal activity.

Learned counsel for the petitioner refuted the aforesaid contention on the ground that at one point of time, kalendra under Section 182 IPC was submitted against the petitioner by one Inspector/SHO Jaspal Singh Dhami, who after being promoted is the Investigating Officer of the present case. The petitioner has already been acquitted in the kalendra under Section 182 IPC vide order dated 06.02.2016.

Learned counsel further submitted that the petitioner is also involved in one case bearing FIR No.106 dated 12.08.2018 registered under Section 22 of the NDPS Act at P.S. Anandpur Sahib, in which petitioner is on bail. In other cases, petitioner has already been acquitted.

Since the petitioner has been involved on the basis of disclosure statement of co-accused Manpreet Singh, challan has already been submitted on 16.03.2020 and nothing is to be recovered from the petitioner, therefore, I am of the view that petitioner, who is in custody since 12.02.2020 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

June 08, 2020

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No