

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14379-2020 (O&M)

Date of Decision: 24.06.2020

Chann Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks benefit of regular bail in case FIR No.207 dated 27.9.2019 registered under Sections 15, 22, 25 & 29 of N.D.P.S Act at Police Station, Sadar Jagraon, District Ludhiana (Rural).

Counsel for the parties have been heard.

Perusal of the order dated 19.4.2020 passed by the learned Judge, Special Court, Ludhiana would show the benefit of bail has been declined on the ground that there is an alleged recovery of 118 kgs poppy husk which would be construed as commercial quantity and as such, the bar under Section 37 of N.D.P.S Act is attracted.

Be that as it may, it may be relevant to note that as per prosecution version the alleged recovery of 18 kgs poppy husk had been made from the conscious possession of the present petitioner as also one co-accused namely Laddo Singh. It so transpires that on the following day i.e.

28.9.2019 the present petitioner as also co-accused Laddo Singh had

suffered confessional statements and on the basis of which four bags of poppy husk containing 25 kgs each had been got effected from an abandoned place in the area of the village.

The evidentiary value of such confessional statements recorded of the petitioner as also co-accused Laddo Singh would be a moot issue to be considered during the course of trial.

It has gone uncontroverted that the petitioner, otherwise, is not involved in any other case under the N.D.P.S Act.

Petitioner has been in custody since 27.9.2019.

Investigation in the case is complete and even the challan stands presented.

In the considered view of this Court, no useful purpose would be served by keeping the petitioner in custody any longer.

In view of the above and without making any observations on merits, instant petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Ludhiana.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.06.2020
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No