

Sr. No. 204

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

CRM-M-20717 of 2020 (O&M)

DATE OF DECISION : 15.09.2020

Gamdoor Singh @ Bhura Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Tanvir S. Grewal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 77 dated 19.04.2020, registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Amargarh, District Sangrur.

2. Per FIR, on 19.04.2020, while a police party was on patrolling, a secret information was received that one Lakhvir Singh and petitioner herein were trying to sell poppy husk. It was informed that while petitioner had gone for talks with prospective customer, Lakhvir Singh was on his way to village with poppy husk on the tractor. FIR was registered. Lakhvir Singh was arrested by the police along with 90 Kgs of poppy husk. On his disclosure statement, petitioner too was arrested by the police on 20.04.2020 and he is in custody since then.

2. Learned counsel submits that though the petitioner was named in the secret information, but nothing was recovered from the petitioner.

According to him, the petitioner was implicated in this case on the basis of

custodial disclosure statement of co-accused, which is not legally admissible. According to him, there has been violation of mandatory provisions of Section 50 of NDPS Act. He further submits that investigation is already over. Challan has not been filed awaiting FSL report. In the present pandemic scenario, there is no likelihood of even commencement of trial.

4. On the other hand, learned State counsel opposes the bail plea. According to him, 90 Kgs poppy husk was recovered from the co-accused, which is a commercial quantity. He, however, on instructions of SI Gurmail Singh, admits that nothing was recovered from the petitioner and that petitioner is not involved in any other case and FSL report has yet not been received.

5. Presently, the trial has not commenced and the aforesaid contentions of learned counsel can only be adjudged only at the trial. Courts are working with restrictions and taking up only urgent matters. Petitioner is not involved in any other case. Considering the overall scenario and without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

September 15, 2020
Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No