

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-23627-2019

Aslam

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-30199-2019

Saroop Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

3. CRM-M-30539-2019

Jagdeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision: 06.02.2020

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Mohd. Salim, Advocate
for the petitioner (in CRM-M-23627-2019).

Mr. Himanshu Puri, Advocate
for the petitioner (in CRM-M-30199-2019).

Mr. Kewal Krishan, Advocate
for the petitioner (in CRM-M-30539-2019).

Mr. Pawan Sharda, Sr. DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Learned State counsel submits that pursuant to the order dated
16.01.2020, the police party had gone to Jammu and Kashmir, to arrest

Gulam Mohd. Ud Din Shah, who is stated to have expired.

By this common order, above titled three petitions filed under Section 439 Cr.P.C. by the petitioners, namely; Aslam, Saroop Singh and Jagdeep Singh, for grant of regular bail are being disposed of, being arisen out of same FIR No. 78 dated 14.03.2019 registered under Section 15 of the NDPS Act at Police Station Model Town, District Hoshiarpur. For brevity, the facts are being extracted from CRM-M-23627-2019.

According to prosecution on 14.03.2019, the petitioners were apprehended carrying poppy husk in three different vehicles driven by them, without any permit or licence. From truck bearing registration No. PB-10-BL-2871 driven by Aslam (petitioner in CRM-M-23627-2019) 52 kgs ; from Scorpio bearing registration No. HR-19-B-4567, driven by Saroop Singh (petitioner in CRM-M-30199-2019) 51 Kgs and from canter Ashoka Leyland bearing registration No. PB-13-AR-0635, driven by Jagdeep Singh (petitioner in CRM-M-30539-2019), 54 kgs was recovered.

Learned counsel for the petitioners submit that there is no previous history of petitioners Saroop Singh and Jagdeep Singh, qua their involvement in any crime, whereas, petitioner-Aslam is on bail in another case under the NDPS Act, wherein allegations against him are of carrying 20 Kgs of poppy husk. In case, weight of plastic bags in which the alleged contraband was being carried is deducted, the alleged contraband recovered from them individually would fall under 'non-commercial quantity' or marginal above 'the commercial quantity'. The petitioners are

in custody, since 14.03.2019. Conclusion of trial may take a long time.
No useful purpose would be served by detaining them in jail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioners.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, all the three petitions are allowed. Petitioners, namely; Aslam, Saroop Singh and Jagdeep Singh (in CRM-M Nos. 23627, 30199 and 30539-2019, respectively), are ordered to be released on bail pending trial, if, not required in any other case, on their furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

February 06, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No