

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

CRM-M-30129 of 2020 (O&M)

Date of Decision: 27th November, 2020

Harjinder Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Ms. Samina Dhir, DAG Punjab.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

CRM-29008 of 2020

Application is allowed. Document Annexure A-1 i.e. copy of FIR is taken on record.

CRM-M-30129 of 2020

The petition is filed under Section 439 Cr.P.C. for grant of regular bail in FIR No. 41 dated 29.5.2017 under Section 15 and 25 of NDPS Act, 1985, registered at Police Station Badhni Kalan District Moga.

As per the allegations in the FIR, 15 bags each containing 35 kgs of poppy husk were recovered when a tempo was signalled to stop by the policy party. Petitioner Harjinder Singh was driving the Tampo.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. The IO is a tainted official and is involved in another FIR in which he is facing trial. It is further submitted that no independent witness was joined *in spite* of the fact that the checking was at

around 7:00 p.m., and the road was having as usual traffic at that time. He further submits that all the prosecution witnesses have been examined. The petitioner is behind bars since 29.5.2017.

Learned State counsel on instructions from ASI Jaswinder Singh submits that the recovery is of commercial quantity and was in presence of an official of DSP rank. She relies upon the report annexed with the reply filed today. The matter was inquired into and no false implication was found.

Even though the quantity recovered is of commercial, considering the fact that the petitioner is behind bars for more than 3 years; all the prosecution witnesses have been examined; the trial is likely to take time and *prima facie* arguable issues have been raised, it would not be appropriate to deprive the petitioner further of his personal liberty.

The petitioner is granted bail subject to furnishing bail and surety bond to the satisfaction of trial Court/Duty Magistrate concerned, provided his custody is not required in any other case.

27th November, 2020
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	Yes