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

**CRM-M No.31849 of 2020
Date of Decision: 01.12.2020**

SHINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. 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.79 dated 06.08.2018, registered under Sections 15 and 25 of the NDPS Act, 1985 at Police Station Mehna District Moga.

Allegations are that the petitioner along with Buta Singh escorted the truck in which co-accused Dharamjit Singh, Gurvir Singh and Jagdev Singh @ Deban were bringing poppy husk.

Petitioner was not arrested from the spot. Co-accused Jagdev

Singh @ Deban also succeeded in fleeing from the spot. Jagdev Singh @ Deban filed CRM-M No.16994 of 2019 in which Co-ordinate Bench of this Court was pleased to grant regular bail to him vide order dated 09.05.2019.

Learned counsel for the petitioner submitted that nothing has been recovered from the petitioner.

Per contra, learned State counsel on instructions from the SI Sukhwinder Singh submitted that the petitioner is involved in the case where 7200 kgs. of poppy husk was recovered from the truck at the spot. Petitioner along with co-accused Buta Singh was escorting the truck in a car, though he has not been apprehended from the spot, but his complicity is writ large on the face of the record. Petitioner is having antecedent behaviour of criminal activities. Petitioner has been involved in number of cases. In some of the case, he has been convicted also.

As against this learned counsel for the petitioner again submitted that in the present case nothing has been recovered from the petitioner. He is in custody since 26.08.2018. He was not the occupant of the truck. The alleged involvement of the petitioner in other cases cannot be ground to discard the prayer of the petitioner for grant of regular bail in the present case in view of **Criminal Appeal No.154 of 2020 (arising out of S.L.P. (Crl.) No.9209 of 2019)** titled **'Prabhakar Tiwari vs. State of**

U.P. & Anr.' decided by the Hon'ble Apex Court on 24.01.2020.

Since no prosecution witness has been examined so far, therefore, owing to the situation arising out of COVID-19 pandemic, the trial of the case may take some time in its culmination.

At this stage, without adverting to the merits of the case, keeping in view the stage of trial, particularly in view of regular bail granted to the co-accused and in view of the situation arising out of COVID-19 pandemic, I deem it appropriate to grant regular bail to the petitioner, who is in custody since 26.08.2018.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy 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.

December 01, 2020

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No