

In the High Court of Punjab and Haryana at Chandigarh

203

CRM-M-43965-2019 (O & M)

Date of Decision: September 24, 2020

NISHAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ishan Gupta, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.54 dated 22.05.2019, under Sections 15, 25 and 29 of the NDPS Act and Section 473 IPC, registered at Police Station Hathoor, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused on the basis of secret information. It is alleged that he along with one Pippal Singh are trading poppy husk in huge quantities and selling the same. He, however, contends that the petitioner has been falsely implicated in this case as the recovery was allegedly effected on 22.05.2019 but the petitioner has been in the District Jail, Faridkot for about 04 years as there are other cases registered against him. He also contends that there is no prima facie material which would indicate that the petitioner was in touch in any manner with the persons from whom the recovery has been effected as he was confined in jail.

Learned State counsel has filed a short reply by way of affidavit of Dilbagh Singh, PPS, DSP (D), District Ludhiana (Rural). The same is taken on

record. In the reply, it is mentioned that a recovery of a total of 103 bags has been made from the accused persons each containing 35 kgs of poppy husk which were in four vehicles. Accused Saraj Singh had also disclosed in interrogation that he along with the other accused including the petitioner had taken a truck of poppy husk from Madhya Pradesh to Punjab and after reaching Punjab, the bags of poppy husk were loaded in 05 vehicles. It is also stated that the petitioner is involved in several other cases. He upon instructions from ASI Janak Raj submits that challan has been presented but none of the prosecution witnesses has been examined.

Heard through video conferencing.

The petitioner is stated to be in custody for over 05 years meaning thereby he has been in custody a few years even prior to the date of occurrence. He has primarily been arraigned as an accused on the statement of the co-accused from whom the recovery was effected. Therefore, I deem it a fit case to grant the concession of regular bail to the petitioner.

Without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

In the event of the release of the petitioner, he shall appear before the concerned Police Station on every Monday till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

September 24, 2020

A.Kaundal

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