

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

CRM-M-54911-2019 (O&M)

Date of Decision: 26.06.2020

Gajjan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

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

Mr. S.S. Sandhu, AAG, Punjab.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in case FIR No.96, dated 26.06.2019, under Sections 15/29 of the NDPS Act, registered at Police Station Baghapurana, District Moga.

Counsel for the parties have been heard.

As per prosecution version, on the basis of secret information, a truck bearing registration No.PB-46-M-8917 was intercepted and an alleged recovery of 8 quintals of poppy husk was effected.

It is the prosecution version itself that co-accused Jasbir Singh @ Beera and Hardeep Singh @ Deepa were apprehended on the spot. The present petitioner is alleged to have run away.

Perusal of the impugned order dated 05.12.2019 passed by learned Judge, Special Court, Moga declining benefit of bail to the petitioner

contains an observation that the truck in question was under the ownership of the petitioner.

Learned State counsel has however clarified today that the truck is not under the ownership of the present petitioner and during the course of investigation, the same was found to be in the ownership of Satnam Singh and who has since been arrayed as an accused.

Petitioner was not arrested on the spot. No recovery has been effected from his conscious possession.

Petitioner has faced incarceration since 10.10.2019.

Investigation in the case is complete and challan was presented on 06.12.2019. Charges have also been framed.

Learned State counsel informs the Court that out of 14 prosecution witnesses cited, only one has been examined till date.

Trial would take time to conclude.

In the considered view of this Court, petitioner is entitled to the relief sought for.

Petition is allowed.

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Moga.

Disposed of.

26.06.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No