

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.208

CRM-M-2217-2021

Date of decision: 12.02.2021

Jaswinder Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.S. Gill, Advocate, for the petitioner.

Ms. Dimple Jain, Asstt. A.G, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.3 dated 02.01.2019 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Azad Nagar, Hisar, District Hisar.

The petitioner is sought to be prosecuted for driving a truck from which 410 kgs of poppy husk was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; during the course of investigation, the Trial Court has passed strictures against the prosecution as none of the plastic bags which allegedly contained the recovered poppy husk were bearing seals of the Investigation Officer and the Gazetted Officer before whom the alleged recovery was made; even on the asking of the Trial Court, no meaningful explanation was given for the aforesaid lapse; the petitioner has been in custody since the last nearly 02 years and 02 months; report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; co-accused Ashpreet, Harvinder @ Modi and Taranpreet Singh have already been granted regular bail by this Court and the petitioner's trial in which 13 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when

the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he was driving the truck from which 410 kgs of poppy husk was recovered.

Whether the aforesaid alleged lapses on the part of the investigating agency would be fatal to the prosecution's case would be debated during the course of the petitioner's trial. However, the petitioner has been in custody for nearly 02 years and 02 months; report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; co-accused Ashpreet, Harvinder @ Modi and Taranpreet Singh have already been granted regular bail by this Court and the petitioner's trial in which 13 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hisar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 12, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No