

In the High Court of Punjab and Haryana at Chandigarh

226

CRM-M-2409-2021 (O & M)
Date of Decision: October 14, 2021

JASPAL KUMAR @ KAKI

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Harkirat Singh Bhogal, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.235 dated 05.10.2020, under Section 15 (c) of the NDPS Act, registered at Police Station Dasuya, District Hoshiarpur.

Learned counsel for the petitioner contends that it is alleged that 02 bags of poppy husk with a weight of 30 kgs each was allegedly recovered from the truck which was being driven by the petitioner. The petitioner is a professional driver and is sole bread winner of his family. He is in custody for over 01 year and is not involved in any other case under the NDPS Act. He has relied upon the judgments of the Coordinate Benches of this Court in the cases of **Pritpal Singh @ Ambi versus State of Punjab**, passed in CRM-M-35941-2016 wherein the petitioners therein were found in possession of 90 Kgs of poppy husk, were granted regular bail after they had put in 06 months in custody; **Jaskaran Singh @ Jassa versus State of Punjab**, 2014 (40) RCR

(Criminal) 119 wherein the petitioners therein were found in possession of 75

Kgs of poppy husk, were granted regular bail after they had put in 07 months in custody; Mohd. Dilshad @ Bhangi versus State of Punjab, 2015 (9) RCR (Criminal) 204 wherein the petitioners therein were found in possession of 60 Kgs of poppy husk, were granted regular bail after they had put in 10 months in custody.

Learned State counsel has filed the custody certificate which indicates that the petitioner is in custody for 01 year and 04 days. He upon instructions from ASI Rashpal Singh states that although the challan has been filed but no prosecution witness has been examined.

Heard.

In view of the above, especially when the petitioner is in custody for over 01 year, he is not involved in any other case under the NDPS Act, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, 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.

(ANUPINDER SINGH GREWAL)
JUDGE

October 14, 2021
A.Kaundal

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