

Sr.No.226

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

CRM-M-5087-2021(O&M)

Date of decision:24.03.2021

Shaminder Singh

... Petitioner

versus

State of Punjab

... Respondent

Coram: Hon'ble Mr. Justice Deepak Sibal

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.
Ms. Samina Dhir, DAG, Punjab.

Deepak Sibal, J.(Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C
for the grant of regular bail in FIR No 165 dated 18.07.2020 registered
under Section 15 of Narcotic Drugs Psychotropic Substances Act, 1985
registered at Police Station Bhogpur, District Jalandhar.

The petitioner along with his co-accused is being prosecuted
for having been found in illegal possession of 110 kilograms of poppy husk.

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in this case; he has been in custody since
18.07.2020; there is no other criminal case pending against the petitioner;

the report under Section 173 Cr.P.C has already been filed and therefore he is not in a position to influence the investigation; co-accused Asgar Ali @ Soni and Mohd. Aasif have already been granted regular bail by this Court and that the petitioner's trial in which 10 prosecution witnesses are yet to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 110 kilograms of poppy husk and if released on bail he is likely to indulge in similar offences.

The petitioner is in custody since 18.07.2020; there is no other criminal case pending against him; the report under Section 173 Cr.P.C has already been filed and therefore he is not in a position to influence the investigation; co-accused Asgar Ali @ Soni and Mohd. Aasif have already been granted regular bail by this Court and the petitioner's trial in which 10 prosecution witnesses are yet 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, Jalandhar, 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.

24th March, 2021

Shivani Kaushik

[DEEPAK SIBAL]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No