

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

(Sr. No.219)

CRM-M No. 10024 of 2021

Date of decision : 08.03.2021

Balraj Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. B.B.S. Randhawa, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, 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.78 dated 20.10.2020 under Section
15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered
at Police Station Bajakhana, district Faridkot.

Briefly stated the case of the prosecution is that the petitioner
was found transporting 85 kilograms of poppy husk in his truck.

Learned counsel for the petitioner submits that the petitioner has
been falsely implicated in the case; on the date of his arrest, the petitioner was
in Moga and was taken by the police to Bajakhana where he was shown to
have been arrested with the alleged contraband; the petitioner has been
involved in the case only because he is the owner of the vehicle from which
the alleged contraband has been recovered; the story of the prosecution is
highly improbable that 85 kilograms poppy husk was being transported by the

petitioner in the driver compartment of the truck as the same would be visible even to the naked eyes; the petitioner has no other criminal case pending against him; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; the petitioner is in custody since 20.10.2020 and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel who appears on advance notice opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 85 kilograms poppy husk and if he is released on bail he may indulge in similar offences.

Whether the petitioner was arrested from Moga or Bajakhana and the genuineness of the prosecution story that the petitioner was carrying 85 kilograms poppy husk in the driver compartment in the truck would be debated during the course of the petitioner's trial. However, the petitioner is in custody since 20.10.2020; there is no other criminal case pending against him; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and the petitioner's trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, 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, Faridkot, 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.

08.03.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No