

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.12038 of 2021 (O&M)
Date of Decision.25.03.2021

Ram Pal @ Rampal Pal

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.109 dated 07.05.2020 under Sections 15, 29 of the NDPS Act, 1985 registered at Police Station Sadar, Kapurthala.

Learned counsel appearing for the petitioner would contend that the petitioner herein has been falsely implicated in the said matter. In fact, he is a migrant labourer and was working in Sharanpal Cold Storage. It was per chance that he was sitting on the gunny bags containing poppy husk. In fact, he had no knowledge regarding the content of the same. In support of his contention, he relies upon judgment rendered by this High Court in **Jit Singh Vs. The State of Punjab 2008 (2) RCR (Criminal) 655** and judgment rendered by Division Bench of this High Court in **Sukhdev Singh alias Sukha Vs. State of Punjab 2006(1) RCR (Criminal) 4**. It is also argued that there is violation of directions issued by the Government for not using private vehicle for patrolling and conducting raids in NDPS

cases. The petitioner is in custody since 07.05.2020. The investigation is complete and the challan stands presented, therefore, prays for concession of bail to the petitioner.

Learned counsel for the respondent-State opposes grant of regular bail to the petitioner by contending that the alleged recovery had been made in front of DSP, who had been called on the spot and had conducted personal search upon the petitioner. Fifteen bags of poppy husk were recovery, each having contained 15 kgs of poppy husk, 225 kgs in total and subsequently, more was recovered on the disclosure statement of co-accused Virsa Singh.

I have heard learned counsel for the parties. Keeping in view the fact that the petitioner is in custody since 07.05.2020 and the investigation is complete and it would be a debatable issue whether the petitioner was in conscious possession of the said poppy husk, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

March 25, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No