

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

220

CRM-M-15216-2021(O&M)

DATE OF DECISION: 10.08.2021

GULBAG SINGH @ DULLA

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vikramjeet Singh, Advocate for the applicant/petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Case taken up through video conferencing.

The petitioner is seeking regular bail in FIR No.270 dated 10.09.2020, under Sections 15, 18, 25 of the NDPS Act, registered at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that the petitioner was sitting on the conductor seat while the recovery had been effected from the wheat bags in the truck. The alleged recovery of 200 kg poppy husk and 150 grams opium has been effected. The petitioner was not aware of the bags being carried in the truck. He is in custody for over 11 months and is not involved in any other case under the NDPS Act. Learned counsel has relied upon the judgment of the coordinate Bench of this court in the case of **Gurpreet Singh @ Gopi Vs. State of Punjab, CRM-M-36786-2020**, decided on 14.01.2021 wherein the accused, who was conductor of the truck, from where 120 kg poppy husk and 1 kg opium were recovered, had been granted regular bail after 7 months.

Learned State counsel, upon instructions from ASI Balwinder Singh, contends that challan has been filed but no prosecution witness has been examined. He has filed custody certificate which indicates that the petitioner is in custody for a period of 10 months and 25 days.

Heard.

In view of the above, especially when the petitioner is not involved in any other case under the NDPS Act, he is in custody for almost 11 months, the 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 instant 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

10.08.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No