

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

220

CRM-M-15421-2021

DATE OF DECISION: 12.11.2021

GURPREET SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sartaj Singh Gill, Advocate for the petitioner.

Mr. Amandeep Singh, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.98 dated 13.08.2019, under Sections 15 and 25 of the NDPS Act, 1985, registered at Police Station Machhiwara, District Khanna.

Learned counsel for the petitioner contends that it is alleged that two bags containing 55 kg poppy husk had fallen from the Innova car which was stopped at the naka. The co-accused was arrested at the spot and it is alleged that the petitioner was driving the Innova car and had sped away. He further contends that it could not be possible for the petitioner to have sped away when an elaborate naka had been laid in the presence of 7 police personnel. The alleged recovery of 55 kg poppy husk is marginally above the threshold of 50 kg as commercial quantity. The petitioner does not have any criminal antecedents. He is in custody for over 9 months. The co-accused was arrested at the spot with the contraband has been granted regular bail by the coordinate Bench of this court in CRM-M-10688 of 2020 on 27.08.2020.

Learned State counsel, upon instructions from ASI Vipin Kumar, states that challan has been filed but no prosecution witness has been

examined. He has filed the custody certificate which indicates that the petitioner is in custody 9 months and 4 days.

Heard.

In view of the above, especially when no recovery was effected from the petitioner, co-accused has been granted bail, petitioner does not have any criminal antecedents, 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

12.11.2021

SwarnjitS

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