

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 206

CRM-M-17410-2021
Date of decision : 25.11.2021

Jangir Singh @ Gira

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.S.Gill, Advocate, for the petitioner.
 Mr.Saurav Khurana, 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.45 dated 09.03.2021, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act) at Police Station Dirba, District Sangrur.

Briefly stated, the case of the prosecution is that on 09.03.2021 the police received secret information that the petitioner had planted poppy plants in the backside of his residential house. Acting on such information the police conducted a raid which resulted in the recovery of 150 kgs of green poppy plants leading to the petitioner's arrest on 10.03.2021.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner, who is a 76 year old man, has been falsely implicated in the present case; he is in custody since 10.03.2021; he is suffering from various ailments including Grade I prostatomegaly and umbilical hernia; he does not face any other criminal case; investigation in this case is complete and therefore neither is the petitioner wanted for the same nor can he influence it; there are several holes in the case of the prosecution including the one that the report under Section 57 of the NDPS Act which was required to be sent after the petitioner's arrest is dated 09.03.2021 whereas the petitioner has been shown to be arrested on 10.03.2021 and that the petitioner's trial, which is yet to commence, will take a long time to

conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that 150 kgs of green poppy plants have been recovered from the petitioner's field and if released on bail he may indulge in similar offences.

The afore noted irregularities/illegalities in the case of the prosecution would be considered during the course of the petitioner's trial. However, the petitioner is 76 year old man; he is in custody since 10.03.2021; he does not have any other criminal case pending against him; he is suffering from various ailments including Grade I prostatomegaly and umbilical hernia; investigation in this case is complete and therefore neither is the petitioner wanted for the same nor can he influence it and that the petitioner's trial, which is yet to commence, is likely to take a long time to conclude.

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, Sangrur, 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.

It is further clarified that if the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of the bail granted through this order by filing of an appropriate application before this Court.

25.11.2021
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Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No

[DEEPAK SIBAL]
JUDGE