

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

Sr. No.219

CRM-M-15739-2020

Date of decision: 25.08.2021

Krishan Singh @ Bittu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

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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.269 dated 05.12.2019, registered under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the 'NDPS Act') at Police Station Sadar Jagraon, District Ludhiana.

The petitioner is being prosecuted for having been found to be in illegal possession of 100 kgs of poppy husk.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has suffered incarceration for over 01 year and 02 months; for the last 1½ years, no effective proceedings have been taken place in the petitioner's trial for which he cannot be blamed; till date, no prosecution witness has been examined and that while the petitioner was on interim bail granted by this Court, he has not misused such concession.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 100 kgs of poppy husk; was convicted in another case in which he was found in illegal possession of 7 kgs of poppy husk and that if he is granted bail he may indulge in similar offences.

The petitioner has suffered incarceration for over 01 year and 02 months; for the last 1½ years, there has been no progress in the petitioner's trial for which he cannot be blamed; for the period of over 06 months and he was on interim bail, he has not misused such concession and that his trial is likely to take a long time to conclude especially when till date no prosecution witness has been examined.

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, Ludhiana, 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.

August 25, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No