

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

Criminal Misc.-M No.20711 of 2021
Date of Decision: July 23, 2021

Daljeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.285 dated 25.12.2020, under Section 15 N.D.P.S.Act, 1985, registered at Police Station, Kartarpur, District Jalandhar, who is in custody since his arrest on 25.12.2020.

As per the FIR, on 25.12.2020 the police party was going from Kartarpur bus stop to Railway Station for patrolling duty and when they reached near Veterinary Hospital, Kartarpur, then one clean shaven person was standing next to the wall of the said hospital, who on seeing the police party tried to run away. He was apprehended on suspicion and four plastic bags were found lying next to the wall. On enquiry, accused could not give any satisfactory answer. On checking of the bags, 70 kgs. of puppy husk

was recovered.

Learned counsel for the petitioner has argued that the alleged contraband (70 kgs. poppy husk) was recovered outside the veterinary hospital and the same was lying on ground, and the petitioner has been implicated only on the ground that he was standing near the said bags. According to him, as per prosecution case itself, the conscious possession of petitioner is seriously debatable. He submits that as the investigation is complete and petitioner is not involved in any other case of similar nature, therefore, in the given facts, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Kulbir Singh, on the ground that the recovered contraband is commercial in nature and the petitioner on seeing the police party had perplexed and tried to run away. According to him, this indicates his knowledge about the contents of the bags. He has produced the custody certificate of the petitioner by way of affidavit of Baljit Singh, PPS, Superintendent Central Jail, Kapurthala, which indicates that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the above background as well as the custody of the petitioner, this court finds that as the charges are yet to be framed and the petitioner is not involved in any other case, therefore, considering his period of custody, this Court does not find any reason to decline the prayer, particularly when the prosecution witnesses are the police officials and there is no possibility of their being won over.

Resultantly, without meaning any expression of opinion on the

merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Jalandhar.

July 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No