

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.23351 of 2021
Date of Decision: November 26, 2021

Gurbachan Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Nav Chahal, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.89 dated 07.05.2020, under Sections 15 and 29 N.D.P.S. Act, 1985, registered at Police Station, Dharamkot, District Moga, who is in custody since his arrest on 07.05.2020

The FIR was registered with the allegations that on 07.05.2020, the policy party received a secret information that Gurbachan Singh and Iqbal Singh @ Pala had purchased four bags of poppy husk jointly from one Sukhwinder Singh @ Sukha and Gurbachan Singh is sitting along with the aforementioned bags at skeleton house, where he is waiting for customers. If a raid is conducted, he can be apprehended on the spot with the contraband. Acting upon the said information, Gurbachan Singh @ Lola was apprehended on suspicion and on search of the four bags, 120 kgs. of poppy husk was recovered.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and the trial is likely to consume considerable time to conclude as no prosecution witness has been examined so far, though the charges were framed on 01.03.2021. According to him, the petitioner is not involved in any other case of similar nature, therefore, he be released on bail.

Learned State counsel, who is assisted by ASI Kewal Singh, while opposing the prayer of the petitioner, has argued that the quantity recovered from the petitioner falls within the ambit of commercial quantity. He has further produced the custody certificate of the petitioner by way of affidavit of Rajiv Kumar Arora, PPS, Additional Superintendent, Central Prison, Faridkot, which indicates that he is not involved in any other case.

After hearing the learned counsel for the parties and considering the quantity and nature of contraband recovered, but without expressing any opinion on the merits of the case, this court does not find it to be fit case for releasing the petitioner on regular bail.

Resultantly, the petition fails and is dismissed.

November 26, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No