

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

CRM-M-24034-2021 (O&M)

Date of decision: 05.07.2021

Gurwinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. H. S. Sitta, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 257 dated 18.07.2020, registered under Sections 15, 25, 27-A and 29 of the NDPS Act, 1985, at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner states that the petitioner has falsely been involved in the present case, being the owner of the alleged truck. The alleged recovery of 126 kgs of *poppy husk* has already been effected from the truck, which was being driven by co-accused Puran Singh,

not from the possession of the petitioner. The recovered contraband was to be delivered to one co-accused, namely, Mohni Singh @ Mohani, who has already been granted regular bail, vide order dated 11.09.2020 passed by a Coordinate Bench. The petitioner has been in custody since 01.03.2021. There is no other case against the petitioner.

Learned counsel for the petitioner submits that as per the FIR, the truck was coming from Madhya Pradesh. Once the Driver and the Conductor had already taken the vehicle to some other State, the control of the same would fall under them, not the owner. Hence, Section 25 of the NDPS against the petitioner is not attracted.

Copy of custody certificate by way of affidavit dated 05.07.2021 of the Deputy Superintendent, Central Jail, Patiala, submitted by the learned State counsel through email, is taken on record.

Learned State counsel while opposing the prayer for bail, points out that as the petitioner has specifically been named in the FIR, he is not entitled to the concession of the bail. He, however, does not dispute the custody period of the petitioner and there being no other case pending or registered against the petitioner. Challan stands presented.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 01.03.2021. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose

would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

05.07.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No