

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19636-2020 (O&M)
Date of Decision:- 3.9.2021

Karam Singh @ Karma

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Randeep Singh Waraich, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Manjit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 107, dated 22.12.2018, Police Station Satnampura, District Kapurthala, under Sections 15, 61 of NDPS Act, wherein the allegation against him in nutshell, are that he was found in possession of 240 kgs of 'Poppy Husk'.
2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case on account of the fact that he had actively been pursuing a case in respect of suicide committed by his

brother regarding which FIR No.140, dated 3.9.2015 was registered at Police Station Fatehgarh Sahib, under Sections 306, 148, 149 IPC and wherein one police official namely SI Sohan Singh is also arrayed as an accused. It has been submitted that subsequently upon a petition filed by the petitioner in this Court the said matter pertaining to commission of suicide by petitioner's brother was referred to CBI vide order dated 7.12.2016 (Annexure P-3) on account of which the accused including the aforesaid police official nurse a grudge against him which has led to his false implication in the instant case.

3. Opposing the petition, learned State counsel has submitted that it is a case of recovery of commercial quantity of contraband and in these circumstances the petitioner does not deserve any concession of bail. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 2 years 8 months and 12 days and that as on date only 3 PWs out of the cited 8 PWs have been examined.
4. I have considered rival submissions addressed before this Court.
5. It is no doubt correct that it is a case of recovery of 'commercial quantity' of contraband. Poppy Husk is otherwise known to be one of the mildest form of contraband in its natural form. The plea raised by the petitioner regarding his false implication cannot be out-rightly discarded at this stage given the fact that he is pursuing a case against a police officer who is involved in a case of commission of suicide by petitioner's brother. In any case, since the petitioner has been behind

bars for a substantial period of 2 years and 8 months, his further detention will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

3.9.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No