

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-29998-2021

Date of decision: 08.11.2021

Paramjit Kumar

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Vivek Puri

Present: Mr. Lavanya Gupta, Advocate for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

VIVEK PURI, J. (Oral)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Custody certificate dated 08.11.2021 of the petitioner has been circulated today through e-mail and the same is taken on record.

Petitioner-Paramjit Kumar is seeking regular bail in case bearing FIR No.21 dated 09.03.2019, under Sections 15 and 25 of NDPS Act, registered at P.S. Sudhar, District Ludhiana (Rural).

Briefly, the FIR has been registered in pursuance to recovery of two bags containing 35 kg poppy husk each from the diggy of the car which was being driven by the petitioner. Jaswinder Singh, co-accused, was stated to be sitting on the adjoining seat of the driver and he managed to escape from the spot but the petitioner who was sitting on the driver seat was apprehended.

It has been contended by the learned counsel for the petitioner

that the petitioner is in custody for the last 02 years 07 months and 24 days, no witness has been examined so far, the petitioner was employed as driver by Jaswinder Singh and was unaware of the contents of contraband being carried by the owner in the diggy of the car. Moreover, the quantity of the contraband recovered in the instant case is marginally above the commercial quantity.

Learned State counsel, on instructions from SI Puran Singh, submits that no witness has been examined till date and furthermore Jaswinder Singh, co-accused, who managed to escape from the spot was the owner of the vehicle in which the contraband was being carried and he is still absconding. Learned State counsel has opposed the bail application on the ground that the quantity of contraband recovered in the instant case falls in the category of commercial quantity.

The petitioner is in custody for the last 02 years, 07 months and 24 days and no witness has been examined till date. It will remain debatable as to whether the petitioner was conscious of the fact that the contraband was being carried in the diggy of the car which was owned by the co-accused, namely Jaswinder Singh who managed to escape.

In these circumstances, the stringent provisions of Section 37 of the NDPS Act can be relaxed and there is nothing to suggest that the petitioner is involved in any other case, muchless under NDPS Act. As such, it can be assumed that he is not likely to commit offence while on bail. Furthermore, the petitioner is in custody for the last 02 years, 07 months and 24 days and the conclusion of the trial is likely to take some time.

As such, the ends of justice will meet, if petitioner is extended the concession of regular bail. Accordingly, the petitioner is ordered to be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate/Trial Court. However, the aforesaid observations have been circumscribed only for the purpose of disposal of the present bail application and shall not be construed as an opinion on the merits of the case.

(VIVEK PURI)
JUDGE

08.11.2021
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No