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

(Through video conferencing)

**CRM-M No.31836 of 2021
Date of Decision: 05.10.2021**

HARJINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.57 dated 16.06.2021, registered under Sections 18/15/61/85 of the NDPS Act at Police Station Kulgarhi, District Ferozepur.

Petitioner was occupant of Trolly number PB05-AB-7513 of which co-accused Pardeep Singh was driver and the petitioner was sitting on the rear seat as cleaner. Under the driver seat, 2.5 kgs. of opium was recovered from a plastic cover and from the rear seat towards conductor side, one plastic

bag containing 15 kgs. of poppy husk was found.

The allegation against the petitioner is that he was in possession of 15 kgs. of poppy husk in a trolly out of which 2.5 kgs. of opium was also recovered beneath the seat of the driver.

As per inventory prepared under Section 52-A of the NDPS Act which has been attached as Annexure P-1 by the petitioner, parcel of plastic bag containing 15 kgs. of poppy husk was recovered from the petitioner.

In the aforesaid inventory, different recoveries are shown to have been effected from different persons.

On 01.09.2021, the case was adjourned in order to see whether the challan has been submitted to the Court or not.

Learned State counsel after co-relating the aforesaid recoveries with reference to recovery memo submits that even challan has been submitted to the Court on 23.09.2021. The factum of recovery of 15 kgs. of poppy husk is found to be as a matter of fact.

The alleged recoveries is non-commercial in nature. The complicity of the petitioner would remain debatable in view of facts and circumstances of the case.

At this stage, without meaning anything on the merits of the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on

regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

October 05, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No