

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

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CRM-M-34695-2020 (O&M)

Date of decision : 27.01.2021

HARBHEJ SINGH

... Petitioner

Versus

STATE OF PUNJAB

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

CRM-30238-2020

This application is for placing on record the enquiry report dated 20.06.2020 as Annexure P-2.

Heard through video conferencing. For the reasons stated in the application, the same is allowed and Annexure P-2 is taken on record.

Main case

The petitioner is seeking regular bail in FIR No.81 dated 21.05.2020, under Sections 15, 18 of the NDPS Act registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contends that the alleged recovery which has been effected from the truck in which the petitioner was allegedly travelling is 4 kg. opium and 252 kg. poppy husk. He, however, contends that the petitioner is an operator of Concrete loading machine (JCB) and was employed in Pune. He was stranded during the lockdown and had taken lift in several vehicles to return home at Gurdaspur. He further contends that in view of the enquiry conducted by the Superintendent of Police(Investigation), Sangrur (Annexure P2),

the petitioner was found innocent on the basis of his call records and it was found that he had travelled from Pune and had taken lifts in different vehicles and later in the truck wherein the recovery was effected. The petitioner was kept in Column No.2 in the challan. He also contends that the petitioner is in custody for about 08 months and is not involved in any other case under the NDPS Act.

Learned State counsel, upon instructions from SI Gurmail Singh, contends that it is alleged that the petitioner was found to be travelling in a truck in which huge recovery of contraband was effected. He, however, is not in a position to controvert the submissions of learned counsel for the petitioner that in the enquiry conducted by the Superintendent of Police (Investigation), Sangrur, the petitioner was found to be innocent.

Heard through video conferencing.

In view of the above especially when the petitioner was found innocent during investigation, he is in custody for about 08 months, he is not involved in any other case under the NDPS Act, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

January 27, 2021
sonia gugnani

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