

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 218

CRM-M-36786-2020

Date of decision : 14.01.2021

Gurpreet Singh @ Gopi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.L.S.Sidhu, Advocate, for the petitioner.

Mr.Amit Mehta, Sr.DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.158 dated 29.05.2020, registered under Sections 15/18/61 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Jalandhar, district Jalandhar.

Briefly stated, the case of the prosecution is that 120 kgs of poppy husk and 1 kg of opium was recovered from a concealed compartment of a truck of which the petitioner was the conductor. On such basis the aforesaid FIR was registered and the petitioner is being prosecuted.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated; he is in custody since 29.05.2020; the narcotic drugs were allegedly recovered from a concealed compartment of the truck on the disclosure of the driver of the truck and the petitioner who was the conductor of the truck had no knowledge whatsoever of there being any narcotic drugs loaded in the truck; there is no other criminal case in which he is involved; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the petitioner's trial which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was the conductor of a truck in which 120 kgs of poppy husk and 1 kg of opium was recovered.

Whether the aforesaid narcotic drugs which have allegedly been recovered from a truck had been put there with the knowledge of the petitioner or the same could be considered to be recovery from the petitioner's person would be debated during the course of the trial. However, the petitioner has already been in custody since 29.05.2020; he is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that his trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

14.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No