

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.38957 of 2020
Date of Decision: March 23, 2021

Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Onkar Batalvi, Advocate,
for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.41 dated 26.02.2020, under Section 21 N.D.P.S.Act, 1985, registered at Police Station, Kotwali, District Kapurthala. The petitioner is in custody since his arrest on 26.02.2020.

As per the allegations levelled in the FIR, on dated 26.2.2020, when a SHO Navdeep Singh alongwith police party was present near Y-point near Kanjli Bridge for patrolling and in search of bad elements, a secret information was received by him that Sunny, Kala and Kanta who were involved in bringing poppy husk from Kashmir for selling it further, and Sunny in his truck bearing Registration No.PB06-G-2277 had brought poppy husk from Batala and was waiting for customers to sell the same

alongwith his truck parked at katcha track near Kanjli Bein and upon raid, a huge quantity of poppy husk can be recovered from him. Acting upon the said information, said Sunny was apprehended and upon search, 20 bags of poppy husk, weighing 20 kgs. each (totalling 400 kgs.) were recovered from the truck. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that the challan in this case was filed on 20.08.2020 and the co-accused of the petitioner, namely, Kala Singh has been released on bail vide order dated 22.09.2020 (Annexure P-3). He has further pointed out that another co-accused, namely, Kulwant Singh is also on bail and, therefore, the petitioner deserves the concession as he is not involved in any other case of similar nature.

On the other hand, learned State counsel, assisted by ASI Tarsem Singh, has produced the custody certificate of the petitioner by way of affidavit of Baljit Singh, PPS, Superintendent Central Jail, Kapurthala, which indicates that the petitioner was arrested at the time of recovery and is not involved in any other case. However, according to him, the recovered contraband falls within the category of commercial quantity and, therefore, submits that the petitioner does not deserve the concession of regular bail.

After hearing the learned counsel for the parties and considering the above background, this court finds that the case of the petitioner is distinguishable from the other co-accused as they were indicted on the basis of the disclosure statement made by the petitioner, whereas as per prosecution, the petitioner was arrested on the spot.

Considering the nature and quantity of the contraband, this court does not find it to be a fit case for grant of regular bail to the petitioner at this stage.

Dismissed.

March 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No