

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41595-2020

DATE OF DECISION: JULY 26, 2021

SANJEEEV KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PRATEEK GUPTA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.DAG, 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.142 dated 7.10.2020, under Section 15/25/29 NDPS Act, Police Station Barnala. The petitioner is in custody since his arrest on 20.10.2020.

The allegations contained in the FIR as noticed by the Judge, Special Court, Barnala in the order dated 27.11.2020, are as under:-

“As per the prosecution version, on 07.10.2020 ASI Shrif Khan along-with the police party were present near the Grain Market of Handiaya. That upon the basis of secret information he has got registered the case against the accused/non-applicants Gurpreet Singh son of Darshan Singh r/o Dhanaula and Kulwinder Singh son of Bhajan Singh r/o Sanghera. Then for further investigation in the present matter SI Lakhwinder Singh was called at the spot and the police file was handed over to him. Then SI Lakhwinder Singh along-with the police party in search of the above-said accused persons has put the naka at village Fatehgarh Channa. Then in the meantime

accused/non applicants Gurpreet Singh and Kulwinder Singh along-with the truck bearing no.75 PB-03U-1211 make Tata were apprehended. Then search of the truck was carried out in the presence of DSP, Barnala. Then 6 plastic bags of white colour each containing 20 kg of poppy husk was recovered. That total weight of the poppy husk came out to be 120 kg were recovered from the accused/non-applicants. During the investigation of accused/non-applicants Gurpreet Singh and Lakhwinder Singh which was carried out by SI Lakhwinder Singh, Latif r/o Shrinagar, Roop Singh r/o Sangrur and accused/non-applicant Jagdev Singh and accused/applicant Sanjiv Kumar were nominated and offence U/s 29 of NDPS Act was added. Then present accused Sanjeev Kumar was arrested on 20.10.2020. Then during the investigation of the present case on 20.10.2020 on the basis of disclosure statement so made by Sanjeev Kumar got recovered 18 kg poppy husk and drug money of Rs.7,25,000/- which he has got procured while making the sale of the poppy husk which was given to him by the accused/non-applicant Gurpreet Singh.”

Learned counsel for the petitioner has argued that the FIR was registered against accused persons, namely, Gurpreet Singh and Kulwinder Singh as 120 kgs. of poppy husk was found in their possession and later on their disclosure statement, accused Jagdev Singh was implicated as an accused. It is pointed out that it was on the disclosure statement of Jagdev Singh, the petitioner was also implicated in the similar manner and 18 kgs. of poppy husk alongwith an amount of ₹7.25 lakhs were allegedly recovered from him. He submits that the recovered quantity is non-commercial in nature and as the investigation is complete, therefore, his further custody is

not necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Baldev Singh has opposed the aforesaid prayer on the ground that the petitioner was involved in commission of crime alongwith other co-accused and if total quantity recovered from the accused is seen, it would fall within the ambit of commercial quantity. However, it is not disputed that the petitioner was made an accused after recording the statement of co-accused Jagdev Singh and 18 kgs. of poppy husk was recovered from him.

Considering the above background, the quantity of contraband recovered from the petitioner and the fact that the investigation of the case is complete, this Court is of the opinion that the same is likely to consume considerable time to conclude. Thus, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 20.10.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

July 26, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No