

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

(Sr. No. 231)

CRM-M No. 43224 of 2020

Date of decision : 16.03.2021

Navdeep Singh alias Bunty

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Chander Shekhar, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been 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. 93 dated 06.10.2020 under Section 15C-25-29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Garhdiwala, district Hoshiarpur.

Briefly stated the case of the prosecution is that 275 kilograms of poppy husk was found in a truck of which the petitioner was the conductor.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; he has been in custody since 06.10.2020; there is no other criminal case in which the petitioner is

involved; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; the petitioner had joined only 20 days back as a conductor of the truck in question and he had no knowledge of the crime that he is alleged of and that the petitioner's trial which is yet to begin in which 12 prosecution witnesses are to be examined, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that 275 kilograms poppy husk was found in a truck of which the petitioner was the conductor and if he is released on bail he may indulge in similar offences.

Whether the alleged recovery of poppy husk from the truck of which the petitioner was the conductor was within his knowledge or not would be debated during the course of the petitioner's trial. However, the petitioner is in custody since 06.10.2020; there is no other criminal case in which he is involved; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and the petitioner's trial which is yet to begin, in which 12 prosecution witnesses are to be examined, will 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, Hoshiarpur 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.

16.03.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No