

CRM-M-41425 of 2019

**206IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41425 of 2019
Date of decision: 28.01.2021

Joga Singh alias Happy

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Shranav Katyal, Advocate,
for Mr. Kamalpreet Bawa, Advocate, for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks the grant of regular bail in FIR No.148 dated 25.09.2018 under Section 15/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Hathur, District Ludhiana.

The State seeks to prosecute the petitioner as he was found driving a truck in which the State recovered 250 kgs of poppy husk.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; no recovery of any narcotics has been made from the petitioner's person; the petitioner has been in custody since 25.9.2018; there is no other criminal case against the petitioner and the petitioner's trial is likely to take a long time to conclude as in the same 15 prosecution witnesses still remain to be examined.

Learned State counsel opposes the grant of bail to the petitioner

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on the ground that 250 kgs of poppy husk was found in a truck which was being driven by the petitioner and if released on bail he may indulge in similar offences.

The petitioner's alleged false implication and as to whether recovery of narcotics from a truck of which the petitioner was the driver could be considered to be recovery from the petitioner would be debated during the course of the petitioner's trial. However, the petitioner has already suffered incarceration for nearly two years and four months; he is not involved in any other criminal case and his trial wherein 15 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, 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, Ludhiana, the petitioner is directed to be released on bail. The CJM/Duty Magistrate shall insist on heavy local sureties.

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.

January 28, 2021
R.S.

(Deepak Sibal)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No