

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

**CRM-M-51034-2019(O&M)**

**Date of decision: 08.09.2021**

Swaran Chand

...Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Ms. Satpreet Grewal Kapila, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 85 dated 16.07.2019, registered under Sections 15 and 25 of the NDPS Act, 1985, added Sections 29 of the NDPS Act and Sections 465, 467, 468, 471, 474, 482, 120-B IPC subsequently, at Police Station Maqsudan, Jalandhar Rural, District Jalandhar.

Learned counsel for the petitioner submits that one Baldev Singh, who was arrested with 80 kg poppy husk, had named Touseef Ahmad Khan @ Munna, who had further named the petitioner as an accused in the present case and that the petitioner is the owner of the truck with a fake

number. The petitioner has been in custody for the last more than one year and 10 months.

Learned counsel further submits that it has been alleged that the petitioner is the owner of the truck bearing registration No. PB-10-BP-7298 whereas the petitioner owns truck bearing registration No. PB-07-AS-4217. No recovery was effected from Touseef Ahmad Khan @ Munna and the petitioner. The alleged truck bearing No. PB-10-BP-7298 belongs to accused Baldev Singh from whom alleged recovery of 80 kgs of *poppy husk* was effected. Vide *Zimni* No. 5 dated 19.07.2019, Sections 465, 467, 468, 471 and 482 IPC were added and the petitioner was arraigned as an accused. As far as the other case under NDPS Act against the petitioner is concerned, the recovery of 27 kgs of poppy husk was allegedly effected from the petitioner therein and he is on bail being a case of non-commercial quantity.

Learned State counsel, while opposing the prayer for bail, submits that total recovery of 80 kgs. of poppy husk was effected from co-accused Baldev Singh, which falls under the category of commercial quantity and the truck was also having fake number plate, therefore, the petitioner is not entitled to the concession of the bail. He however, does not dispute the custody period of the petitioner and that the petitioner is arraigned as an accused in the present case under Sections 465, 467, 468, 471 and 482 IPC and also submits that prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than one year and 10 months. Though the case is at the stage of evidence, yet the trial

will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**08.09.2021**

*Mangal Singh*

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No