

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2229-2021 (O&M)

Date of Decision:- 25.4.2022

Lehmber Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.S.Sandhu, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab,
assisted by ASI Santokh Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 79, dated 6.8.2018, Police Station Mehna, District Moga, under Sections 15, 25, 29 of NDPS Act.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Gurvir Singh along with Dharamjit Singh and Jagdev were bringing 'Poppy Husk' in a truck which was being escorted by Shinder Singh and Buta Singh, who were travelling in a car. The said truck was intercepted and a search of the truck led to

recovery of 180 bags of 'Poppy Husk', each weighing 40 kgs. Shinder Singh and Jagdev Singh managed to flee from the spot.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR nor was ever found at the spot or is even alleged to be accompanying the co-accused and has been nominated as an accused solely on account of the fact that he happens to be the registered owner of the truck in question.
4. On the other hand, learned State counsel while opposing the petition has submitted that the complicity of the petitioner is clearly evident as his truck was being used for drug trafficking and that in the absence of any justifiable explanation for the same, the petitioner has to be held liable for the offences in question. It has further been submitted that the petitioner had earlier been declared a 'proclaimed offender' and that now after his arrest he has been behind bars for the last 1 year, 4 months and 21 days. It is also been informed that the petitioner otherwise is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never present at the spot and was not accompanying the truck from which recovery was effected. The petitioner came to be nominated on the premises that he is the registered owner of the truck in question. The petitioner otherwise enjoys a clean record and is not stated to be involved in any other case. Three other co-accused namely Shinder Singh, Dharamjit Singh and Gurvir Singh have already been granted bail by this Court. The petitioner has been behind bars since the last 1 year,

4 months and 21 days. Conclusion of trial is likely to consume time inasmuch as none out of the cited 21 PWs has been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.4.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No