

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

CRM-M-1792-2022 (O&M)
Date of Decision:-1.2.2022

Manjinder Singh @ Bunty

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chandan Singh Rana, Advocate and
Mr. Karan Padam, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Jagroop Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.181 dated 5.9.2019 at Police Station P.S. Sidhwan Bet, District Ludhiana under Section 15/25/61 of Narcotic Drugs & Psychotropic Substances Act.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Preetpal Singh @ Preeta and Manjinder Singh @ Bunty indulge in smuggling 'poppy husk' and that on the given day i.e. on 5.9.2019 they were proceeding in their trucks bearing registration Nos.RJ-31-GA-3389 and HR-46-8712 from Jammu & Kashmir and had kept 'poppy husk' in special boxes in the trucks. The information was further to the effect that the

said persons used to park their trucks at an abandoned place and the '*poppy husk*' is loaded in a Scropio vehicle belonging to Kulwant Singh for supply of the same to customers. Pursuant to receipt of said information, barricading was held and the police was able to intercept two trucks bearing registration Nos.RJ-31-GA-3389 and HR-46-8712. While one of the truck was being driven by co-accused Preetpal Singh @ Preeta from which 260 kilograms of '*poppy husk*' was recovered, the petitioner was found to be driving the second truck from which 100 kilograms of '*poppy husk*' was recovered.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the truck does not belong to the petitioner. Learned counsel has further submitted that the petitioner has a clean record and is not involved in any other case. It has further been submitted that the petitioner deserves the concession of bail on ground of parity inasmuch as the co-accused Preetpal Singh @ Preeta, from whom 260 kilograms of '*poppy husk*' was recovered, has been granted by this Court vide order dated 12.10.2021 passed in CRM-M-42052 of 2021.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial' quantity of contraband, no case for grant of bail is made out. Learned State counsel, however, could not dispute the fact that the petitioner is not involved in any other case and that the co-accused has been granted bail. Learned State counsel has further informed that till date not even a single PW out of the cited 16 PWs has been examined and that the petitioner has been behind bars since the last 2 years, 4 months and 19 days.
5. I have considered rival submissions addressed before this Court.

6. No doubt it is a case of recovery of ‘commercial’ quantity of contraband, but this Court finds that an identically situated co-accused, from whom infact a greater quantity of contraband was recovered i.e. 260 kilograms of ‘*poppy husk*’, has already been granted bail by a Coordinate Bench of this Court vide order dated 12.10.2021 passed in CRM-M-42052 of 2021. Conclusion of trial is likely to consume time as not even a single PW out of the cited 16 PWs has been examined so far. The petitioner has a clean record and is not stated to be involved in any other case. As a collective effect of the aforesaid discussion particularly on grounds of parity, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

1.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No