

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

212

CRM-M-2739-2022(O&M)
Date of Decision: 28.01.2022

Sonu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.225 dated 27.10.2020 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhogpur, District Jalandhar (Rural).

As per the allegations in the FIR, secret information was received that one truck bearing number JK-03-B-9163 had come from Jammu side and was standing near Badhshah Dhaba near Bohgpur. The truck was loaded with apples. The driver of the truck handed over poppy husk to one motorcycle borne rider. On receipt of the information the police party raided the disclosed place and found that the truck was standing at the spot, but no one was found present in or around the truck. On search, 130 Kilograms of poppy husk contained in seven bags were recovered from the truck.

The name of the petitioner is alleged to have surfaced in the statement of one Meera Sharma, Ex Sarpanch of village Laroya District Jalandhar. She stated that the petitioner had made an extra judicial confession that the poppy husk recovered from the truck belonged to him.

The case of the prosecution is that the truck was registered in the name of one Mehmood Ramzan Danga s/o Abdul Reham resident of Anantnag. He stated that he had sold truck through attorney to one Ahmed Sofi s/o Abdul Rshid Sofi resident of Anantnag. Ahmed Sofi had orally sold the truck to the present petitioner. Thereafter, the petitioner was arrested from his house on 09.07.2021.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case. He states that the petitioner is resident of Jammu. There is no occasion of the petitioner to made any extra judicial confession before Meera Sharma, who is ex Sarpanch of Village Laroya. There is no documentary evidence to establish the petitioner as the owner of the truck. The petitioner is in custody since 09.07.2021. He further states that the petitioner has clean antecedents and there is no other case pending against the petitioner under the provisions of NDPS Act.

Considering the aforesaid facts and circumstances at this stage there is doubt about the involvement of the petitioner and the fact that the trial is unlikely to conclude in near future more so in the wake of outbreak of pandemic COVID, no useful purpose will be

served by keeping the petitioner in custody till the final disposal of the case.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Sonu be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[HARINDER SINGH SIDHU]
JUDGE

January 28, 2022
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no