

218 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3758-2022

Date of decision: 4th February, 2022

Vijay Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. The petitioner has filed the present petition aggrieved of order dated 22.01.2021 passed by Additional Sessions Judge, Hoshiarpur rejecting the petition for regular bail in case of FIR No. 136, dated 23.07.2020, under Sections 15/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Garhshankar, District Hoshiarpur.
3. Learned counsel for the petitioner submits that petitioner was neither apprehended from the spot nor he has any link with the canter from which the recovery of poppy husk was made. The contention is that it was wrongly observed in the impugned order that recovery was effected from the petitioner, the order is non speaking and the contentions raised were not dealt with.
4. Learned State counsel on instructions from SI Ravinder Singh

submits that checking was done on a secret information, the driver of the canter ran away on seeing the police party. He further submits that petitioner was specifically named in the secret information.

5. The prayer for bail was rejected by holding that recovery was effected from the petitioner, there appears to be a dispute on facts. The impugned order is set aside and the matter is remanded back to Additional Sessions Judge, Hoshiarpur to decide the petition for regular bail afresh after giving opportunity of hearing to the parties.

6. The petition is disposed of with liberty as prayed for.

[AVNEESH JHINGAN]
JUDGE

4th February, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No