

233 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4672-2022

Decided on: 10th February, 2022

Gurpal Singh @ Pal

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This second petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 77, dated 25th May, 2021, under Sections 15, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Sadar Rupnagar, District Rupnagar. The earlier petition was dismissed as withdrawn with liberty to approach the Sessions Court to show the change in circumstance.
3. As per the case set up, on 25th May, 2021, a secret information was received by police that Gurpal Singh (petitioner) and Trilochan Singh truck drivers were in habit of bringing poppy husk and selling it. As per the information they were travelling in Swift car bearing registration No. PB-12-X-4549. Acting upon the information, barricade was laid, petitioner and accused were apprehended and there was recovery of fifty six kilograms of poppy husk.

4. Learned counsel for the petitioner submits that petitioner is in custody since 25th May, 2021, it is a case of false implication and there is a CCTV footage which is preserved by the orders of the Court. Contention is footage supports the plea of false implication. He further submits that recovery is marginally higher than the commercial quantity.

5. Learned State counsel opposes the prayer for the grant of regular bail, he submits that petitioner is involved in another case under the Act, the vehicle belongs to the him and recovery is of commercial quantity. He further submits that trial is progressing at a decent pace, inspite of COVID-19 situation, out of thirteen witnesses, three have been examined.

6. The recovery from the petitioner is of commercial quantity and as per the case set up, car belongs to him. Petitioner is involved in another case under the Act, the issue with regard to CCTV footage would be a defence available at the time of the trial. CCTV footage has not been considered till date, it would not be appropriate to hold a mini trial at this stage.

7. In view of stringent provisions of Section 37 of the Act, no case is made out for grant of regular bail.

8. Dismissed.

9. However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

10th February, 2022
Parveen Sharma

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