

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

**CRM-M-12378-2021
Date of decision: 11.02.2022**

Pawandeep Singh @ Pawan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 247 dated 22.12.2020, registered under Section 15 of the NDPS Act, 1985 at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Charanjit Singh, it is stated that a secret information was received that Dilbagh Singh, Kismat Raj @ Bittu and petitioner Pawandeep Singh @ Pawan have kept concealed poppy husk in the house of another co-accused of Gurdeep Singh @ Deepu.

Learned counsel further submits that on receiving such information, a *ruqa* was sent to police station and thereafter, as per prosecution version, a raid was conducted in the house of said Gurdeep Singh @ Deepu, from where, 320 Kgs. of poppy husk was recovered and the petitioner was found sitting there.

Learned counsel further submits that all the three co-accused namely Dilbagh Singh, Kismat Raj @ Bittu-accused as well as Gurdeep Singh @ Deepu, from whose house the recovery was effected, have already been granted the concession of interim anticipatory bail/anticipatory bail by this Court vide order dated 18.01.2022 passed in CRM-M-14601-2022 and orders dated 17.08.2021 passed in CRM-M-3294-2021 and CRM-M-3306-2021, respectively, as they were not found at the spot.

It is further submitted that since the recovery is effected from the house of co-accused Gurdeep @ Deepu, therefore, it will be a matter of trial whether the petitioner was in conscious possession of the same as he is only a labourer working there.

Learned counsel has relied upon certain verifications done by the Gram Panchayat Gatti Jattan, Block Kot Isse Khan, District Moga that the petitioner is an agricultural labourer and has clear antecedents. Reliance is also placed on another verification report of Gram Panchayat Chak Kanian Kalan, Block Kot Isse Khan, District Moga, wherein it is verified that the petitioner has clear antecedents and there is one more verification from the Member, Zila Parishad, which is also to the same effect.

Learned counsel further submits that the petitioner is in judicial custody for 01 year, 01 month and 16 days and he is not involved in any other case under the NDPS Act and out of total 14 prosecution witnesses, none has been examined so far.

Learned State counsel has filed the custody certificate and has submitted that the recovery is of heavy quantity, however, it is not disputed that the petitioner is not involved in any other case under the NDPS Act and out of total 14 prosecution witnesses, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is not involved in any other case under the NDPS Act; he is in judicial custody 01 year, 01 month and 16 days; co-accused have already been granted the concession of interim anticipatory bail/anticipatory bail by this Court as noticed above and also in view of the fact that conclusion of trial is likely to take a long time as no prosecution witness has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

11.02.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No