

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: February 07, 2022

1. CRM-M-9277-2020

Malkit Singh @ Neki

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-41066-2021

Kulwinder Singh @ Kinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Sahil Puri, Advocate,
for the petitioner in CRM-M-9277-2020.

Mr.Prateek Pandit, Advocate,
for the petitioner in CRM-M-41066 of 2021.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.124 dated 18.10.2018, under Section 15 N.D.P.S.Act, 1985, registered at Police Station, Sadar, District Kapurthala.

As per the allegations in the FIR, when truck bearing No.PB09-S-9475 was signalled to stop at a check point, the driver of the vehicle

stopped it, who was apprehended on the spot, whereas his two companions made unsuccessful attempt to escape. The accused revealed their names as Neki son of Mahinderpal (driver), Amrik Singh @ Mika son of Uday Lal and Kulwinder Singh @ Kinda son of Jeet Singh. After completion of formalities, the search of the vehicle was conducted and 250 Kgs. of poppy-husk contained in six plastic bags was recovered.

Learned counsel for the petitioners have argued that the alleged recovery of the contraband was made on 18.10.2018 and since then the petitioners are in custody and the trial is not making any progress. Learned counsel has relied upon the decision dated 12.10.2020 of Hon'ble Supreme Court in **Amit Singh Moni Versus State of Himachal Pradesh**, rendered in Criminal Appeal No.668 of 2020 arising out of SLP (Criminal) No.3813 of 2020 and submitted that in the said case also, 3285 grams of Charas was recovered from accused, who was released on bail by the Hon'ble Supreme Court. He prays for bail.

Learned State counsel, on instructions from ASI Baldev Singh, has opposed the prayer on the ground that in the present case, huge quantity of poppy-husk (250 Kgs.) was recovered from the possession of the petitioners, who were arrested on the spot. According to him, in all there are ten prosecution witnesses and out of it, three have been examined, whereas two were given up. He further states that the case is now coming up for recording prosecution evidence before the trial court on 11.02.2022.

After hearing the learned counsel for the parties, considering the above background as well as the nature and quantity of the contraband, this court is of the opinion that in the present case, the trial is likely to conclude in near future as only five prosecution witnesses remain to be

examined. The decision of Hon'ble Supreme Court in Amit Singh Moni's case (supra) does not lend any strength to the case of the petitioners as in the said case, the trial was not making any progress as no prosecution witness was examined after February, 2020 and seven witnesses remained to to be examined on behalf of the prosecution.

Resultantly, no case is made out for release of petitioner on regular bail.

Dismissed.

February 07, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No