

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

CRM-M-9788-2020

Date of Decision: 17th February, 2022

Laddu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parminder Singh Sekhon, Advocate, for the petitioner.

Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J. (Oral)

1. Due to Covid-19 situation, the Court is convened through video conference.
2. This petition is filed for grant of regular bail in FIR No. 198, dated 23rd September, 2017, under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bagha Purana, District Moga.
3. As per the case set up, on 23rd September, 2017 a police Naka was laid and truck bearing No. PB-08-CH-5411 was checked. Two persons travelling in the vehicle jumped and fled away. Subegh Singh and Malkiat Singh, i.e. conductor and driver of the truck respectively, were apprehended. Subegh Singh, driver, disclosed that the persons who fled away were Laddu (petitioner) and Sukhdev Singh, owner of the poppy husk. From the search of the truck, 34 bags were recovered, out of which in 19 bags, poppy husk powder weighing 7 quintals and 60 Kgs., and in 15 bags, un-grinded poppy

husk weighing 3 quintals, was found.

4. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot. He was not aware that he was nominated in the FIR. No recovery was made from the petitioner. He further submits that the petitioner is in custody for more than two years and the trial is not progressing.

5. Learned State counsel opposes the prayer and submits that the petitioner was declared proclaimed offender on 5th February, 2019 and he was arrested on 21st October, 2019. It is submitted that other co-accused were convicted by the Trial Court on 13th March, 2020. On instructions, he submits that there are total 19 prosecution witnesses and only one has been examined. He further submits that the petitioner is involved in another case.

6. Learned counsel for the petitioner submits that the petitioner is on bail in other case. To establish his bonafide, the petitioner is ready to deposit Rs. 1,00,000/- with the Trial Court, subject to outcome of the trial.

7. Without commenting upon the merits of the case, considering that the petitioner was not apprehended at the spot; his name surfaced in the disclosure statement; as per the custody certificate filed by the learned State counsel, he has undergone 2 years, 3 months and 28 days custody; and that the trial is at initial stage, the petitioner is granted bail subject to deposit of Rs. 1,00,000/- and furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. The amount of Rs.1,00,000/- shall be kept in a nationalized bank in the shape of FDR and would be subject to final outcome of the trial. In case of failure of the

petitioner to appear in the trial, as and when required, the amount of Rs. 1,00,000/- shall be forfeited.

8. The petition is allowed.

9. It is clarified that observations made here-in-above shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

17th February, 2022

Pkapoor

Whether Speaking/Reasoned: **YES/~~NO~~**

Whether Reportable: **YES/NO**