

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15174-2021 (O&M)
Date of decision: 10.03.2022

Baljit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 3rd petition is for grant of regular bail in FIR No.116 dated 15.07.2018 under Section 15 of NDPS Act, registered at Police Station Maqsudan, District Jalandhar (Rural); earlier two petitions were dismissed as withdrawn on 03.07.2019 and 09.10.2020.

Learned counsel for the petitioner submits that new ground for filing this third petition is that custody of the petitioner is about 03 years and 08 months and out of total 12 prosecution witnesses, only 03 PWs have been examined so far. It is further submitted that as per allegations in the FIR,

registered at the instance of SI Ramandeep Singh, while on patrol duty along with co-officials, received a secret information that Sukhbir Kaur @ Chinder wife of Gurmit Singh is involved in selling the poppy husk by smuggling the same from Jammu and Kashmir in huge quantity. She is involved in some other cases of selling poppy husk and stands convicted. Petitioner Baljit Singh helped her in doing this illegal business and is taking care of house of one NRI in Sukha Colony. The petitioner takes money from her to keep the contraband and help Sukhvir Kaur in the same. It is further stated that Sukhvir Kaur and petitioner are going to supply the poppy husk to the customers and if a raid is conducted, they can be apprehended.

Learned counsel further submits that the petitioner and co-accused Sukhvir Kaur were apprehended along with a car and recovered 40 kg of poppy husk and after demarcation of the accused persons, 26 boxes, each containing 20 kg, total 560 kgs of poppy husk were recovered. It is also submitted that it will be a matter of trial whether in view of recovery effected from a house, which is not owned by the petitioner, he can be held guilty of conscious possession of the contraband. It is next submitted that the petitioner is in custody for the last 03 years, 07 months and 26 days; he is first offender; he is not involved in any other case and trial will take some time.

Learned State counsel, on the basis of custody certificate dated 09.03.2022 filed in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed

to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.03.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No