

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-14682 of 2022
Date of decision:19.04.2022

Ramesh Kumar @ Pappu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.34 dated 11.06.2019 registered for offences under Sections 15, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) at Police Station Ghagga, District Patiala (Annexure P-1).

FIR (Annexure P-1) has been registered after a recovery of 70 kgs of poppy husk was effected from a stationary truck and the petitioner was arrested on 14.06.2019.

Counsel for the petitioner argues that the petitioner is neither the owner nor the driver of the offending truck from where the recovery is alleged to have been effected and at the time of raid, he was found sitting in

the truck, whereas, co-accused Sucha Singh, who was standing near the door of the vehicle and was apprehended, has been released on bail, vide order dated 19.01.2022 passed by this Court in CRM-M-7360 of 2021 (Annexure P-3). Counsel submits that the first petition (CRM-M-35108 of 2020) was withdrawn, after arguments on 16.12.2020 and the trial is progressing at a snail's pace, therefore, the petitioner deserves to be released on bail, keeping in view his clean antecedents.

Upon instructions from ASI Balbir Singh, State counsel has submitted that recovery effected from the vehicle falls within the ambit of commercial quantity and owner of the truck, Satnam Singh is yet to be arrested. Upon further instructions, he submits that the challan has been presented on 28.11.2019, charge has been framed on 10.12.2019 and 05 out of total 13 prosecution witnesses have been examined, though another 03 have been given up by the prosecution. He is, however, not in a position to dispute that the petitioner is not involved in any other criminal case.

Having considered the submissions made by counsel for the parties, custody of the petitioner which by now is more than 02 years and 10 months, the fact that he enjoys an unblemished past and the co-accused, who is similarly placed has been enlarged on bail, this Court is of the view that the petitioner is entitled to be released on bail as the trial is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing **heavy bail/surety**

bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

April 19, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>