

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

CRM-M-19599-2022 (O&M)

Date of decision: 16.05.2022

Jhirmal Singh @ Jhima

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.S. Warraich (Rana), Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 238 dated 11.12.2005, registered under Section 15 of the NDPS Act, at Police Station City-I, Malerkotla.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the alleged recovery of 20 kg of poppy husk was effected from co-accused Sandeep Singh, who was convicted and sentenced on 23/24.01.2013 for a period of one year and his sentence was suspended on 08.04.2013 by a Coordinate Bench; that the petitioner was standing in the *verandah* of the house and the alleged contraband was not in the knowledge of the petitioner and that the petitioner was declared a proclaimed offender on 31.03.2009 and he himself surrendered on 29.10.2021 and since then he has been in the custody.

He further submits that earlier, the petitioner was granted interim

bail for 7 days, which was not misused by him and he had surrendered before the authority on time and that there is no other case under NDPS Act against the petitioner.

Learned State counsel, while opposing the prayer for bail, submits that the petitioner was declared a proclaimed offender on 31.03.2009. However, he does not dispute the custody period of the petitioner and the fact that sentence of co-accused Sandeep Singh, from whom the recovery of 20 kg of *poppy husk* was effected has already been suspended and the concession of interim bail was not misused by the petitioner. He further submits that prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.10.2021. The contraband was not recovered from the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Moreover, there is no other case under NDPS Act against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

16.05.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No