

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

Sr. No. 216

CRM-M-21855-2021

Date of decision :15.2.2022

Kamikkar Singh

.....Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Prince Pushpinder Rana, Advocate, for
Mr.JK Singla, Advocate for the petitioner

Ms.Jaspreet Kaur, AAG, Punjab

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.208 dated 06.09.2020 registered under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420, 473 and 465 IPC at Police Station Bhikhi, District Mansa.

Briefly stated, the case of the prosecution is that 200 kgs of poppy husk was recovered from a truck of which the petitioner was the driver and that he had interchanged the registration number plates of the truck to mislead the police.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner is in custody since 06.09.2020; the petitioner has no other criminal case pending against him; no recovery was effected from the petitioner's person; the alleged recovery of poppy husk is from a truck of which the petitioner was the driver and in

such capacity he had no knowledge that any narcotics were being transported; the goods in the truck were that of its owner-Sandeep Kumar; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; co-accused -Janta Singh, who was the conductor of the truck, has already been granted regular bail by this Court vide order dated 2.2.2022 passed in CRM-M-21591-2021; the allegation of changing of registration number plates against the petitioner is also denied as such action would not benefit the petitioner but it's owner- Sandeep Kumar and that since till date no prosecution witness has been examined, the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was the driver of the truck from which 200 kgs of poppy husk was recovered and if released on bail he may indulge in similar offences.

Whether recovery of poppy husk from the truck of which the petitioner was the driver was within his knowledge as also as to the role played by him in changing of registration number plates of the truck would be debated during the petitioner's trial. However, the petitioner is in custody for the last over one year and five months; there is no other criminal case which the petitioner faces; co-accused Janta Singh, who had approached this Court vide CRM-M-21591-2021, has already been granted the concession of regular bail by this Court vide order dated 2.2.2022; the investigation in the case is complete and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Mansa the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

15.2.2022
gsv

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No