

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-21624-2022
Decided on : 24.05.2022

Jaswant Singh @ Jassa

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sukhwinder S. Dhillon, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 39 dated 04.04.2022 under Sections 8-B, 15 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that in the present case, the alleged recovery is of 21 kgs. 500 gms. of poppy plants which is less than the commercial quantity as the stipulated commercial quantity starts from 50 kgs. It is further submitted that a perusal of the FIR would show that it is alleged that the petitioner was plucking the poppy plants which were growing on the land which is a joint land having various co-sharers. It is contended that the petitioner has been in custody since 04.04.2022 and is not involved in any other case and no useful purpose would be served by keeping the petitioner in further incarceration.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that as per the prosecution case, the petitioner was caught while plucking the poppy plants and it was found that the land from where he was plucking the plants was in his possession. The other facts as mentioned by learned counsel for the petitioner have not been disputed by learned State counsel.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner has been in custody since 04.04.2022 and is stated to be not involved in any other case and the trial is likely to take time. The allegation against the petitioner was to the effect that he was plucking poppy plants from the land in question and the total recovery effected thereby from the said land, which is stated to be in possession of the petitioner was of 21 kgs. 500 gms., which is less than commercial quantity as the stipulated commercial quantity starts from 50 kgs. The question as to whether the land in question was actually in possession of the present petitioner or not, when as per the case of the petitioner, there are other co-sharers also, would be a moot point to be decided during the course of the trial.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in, the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

May 24th,2022
Mehak

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