

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-31838-2022

Date of Decision: 16.11.2022

Uday Lal @ Udhai Lal

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Barjinder Singh, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed the present petition under Section 439 CrPC seeking regular bail in case FIR No.39 dated 18.04.2021 under Sections 18 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, the NDPS Act) registered at Police Station Moonak, District Sangrur.

(2) Counsel for the petitioner, inter alia, argues that the petitioner has been falsely implicated, who is resident of Bhilwara, Rajasthan and not of Sri Ganganagar. Secondly, he argued that the petitioner is not conversed with Punjabi language being resident of State of Rajasthan. The third contention of the petitioner is that there is non-compliance of Section 42 of the NDPS Act as recovery was effected from his vehicle. Counsel further added that the petitioner was only travelling in the offending vehicle which was driven by Gurdhir Singh, co-accused.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Rajiv Verma, DAG Punjab accepts notice, who on instructions, states that the recovery has been effected from inside the cabin of the truck where the petitioner was sitting with co-

accused Gurdhir Singh. The recovery is also commercial in nature which is measuring 11.5 kg of opium.

(5) The question of language of Punjabi whether known to the petitioner, learned State counsel has referred to the consent memo with the averment that the same has been duly signed by the petitioner in Hindi language and the contents of the same were read over to him and he was well conversed with the Punjabi language as well.

(6) Having considered the submissions made hereinabove by the learned counsel for the parties and keeping in view the quantity of contraband recovered that too from the cabin wherein the petitioner was found to be sitting and the said fact could not controverted by the counsel for the petitioner, this Court is of the considered view that the petitioner do not deserve the concession of regular bail, at this stage wherein trial is in progress and the next date of hearing is 29.11.2022.

(7) It is informed that one witness has been examined out of total 17 witnesses and the trial is at the initial stage and, therefore, it would not be appropriate to release the petitioner, at this stage, itself which may hamper and influence the trial and there is every likelihood of the petitioner to indulge in same offence again.

(8) Dismissed.

16.11.2022

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No