

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.219

CRM-M-37612-2021

Date of decision: 18.02.2022

Rahimpreet @ Rehampreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. R.S. Sidhu, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.144 dated 31.05.2021 registered under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station Lambi, District Sri Muktsar Sahib.

Briefly stated, the case of the prosecution is that 60 kgs of poppy husk was recovered from a truck in which the petitioner alongwith his co-accused was travelling.

Learned counsel for the petitioner contends that the petitioner, who is a 20 year old young boy, has been falsely implicated in this case; there is no other criminal case in which the petitioner is involved; the petitioner is in custody since 31.05.2021; investigation in the case is complete; the petitioner was merely accompanying his real uncle in a truck and had no knowledge of any narcotics being stored therein; there is no recovery from his person and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused were found in illegal possession of 60 kgs of poppy husk and that if he is released on bail he may indulge in similar offences.

Whether the petitioner had or did not have knowledge of the narcotics allegedly recovered from the truck in which the petitioner was travelling shall be debated during the course of his trial. However, the petitioner is a 20 year old boy; there is no other criminal case pending against him; the petitioner is in custody since 31.05.2021; investigation in the case is complete; the alleged recovery of 60 kgs of poppy husk from the truck in which the petitioner was also travelling is slightly higher than the prescribed non-commercial quantity and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Sri Muktsar Sahib, 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.

It is further clarified that while on bail if the petitioner is found indulging in any other criminal activity it shall be open to the State to seek cancellation of the bail granted to him through this order, in accordance with law.

February 18, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No