

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

CRM-M-35425-2020 (O&M)

Date of decision: 20.01.2022

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 226 dated 28.07.2020, registered under Section 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, a secret information was received that the petitioner is coming on a truck and bringing poppy husk from other States. Thereafter, on relying upon the information, a ruqa was sent to the police station and later on, 105 Kgs. of poppy husk was recovered.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last about 01 year and 05 months and out of total 17 prosecution witnesses, none has been examined so far and the trial is substantially delayed due to COVID-19 situation in the country.

Learned counsel has referred to consent memo and recovery memo to submit that both the documents bear the FIR number as handwritten by the Investigating Officer, though other details of the FIR have been typed, therefore, it raises a suspicion whether a proper procedure was followed or not.

Learned counsel for the petitioner further submits that it will be a debatable issue whether the petitioner is the owner of the truck or not as only a power of attorney has been given in favour of the petitioner by the true owner, namely Ranjit Singh.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 01 year, 05 months and 19 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is a first offender; he is in judicial custody for the last 01 year, 05 months and 19 days; the trial is delayed as out of total 17 prosecution witnesses, none has been examined so far and also in view of the fact that learned counsel for the petitioner has raised some moot points, which will be decided during the course of trial, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

20.01.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*