

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

CRM-M-42360 of 2021

DECIDED ON: 18th January, 2022

Rajwinder Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. K.S. Brar, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No. 170 dated 25.11.2020, under Sections 15 and 29 of NDPS Act, 1985, registered at Police Station Bahav Wala, District Fazilka.

Police received a secret information that Jaswant Singh, Sukhdeep Singh and Rajwinder Singh (petitioner) are in habit of bringing Poppy husk from Rajasthan and sell the same in Punjab. Acting on information, vehicle bearing registration No.RJ-07-GB-0677 was checked and recovery of 80 Kgs Poppy Husk was made.

Learned counsel for the petitioner submits that the petitioner had only taken a lift in the said vehicle. He had no criminal antecedents. He is in custody since 25.11.2020. No recovery is to be made and co-accused was granted regular bail by this Court.

Reply filed by the State is taken on record.

Learned State counsel on instructions from ASI Lakhwinder Singh is not able to distinguish parity of the petitioner viz-a-viz co-accused Sukhdeep Singh, so far as grant of bail is concerned. Learned State counsel contends that recovery was of commercial quantity. She submits that investigation is complete and challan stands presented.

The case set up by the petitioner is that he had taken lift in the apprehended vehicle, no recovery is to be made, investigation is complete, he is not involved in any other FIR, co-accused was granted regular bail by this Court and conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18th January, 2022

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes*