

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

CRM-M-43274-2021 (O&M)

Date of decision: 08.03.2022

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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. 345 dated 13.12.2018, registered under Sections 15 and 29 of the NDPS Act, 1985 at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner relied upon order dated 14.09.2021 passed in CRM-M-28720-2020 (Annexure P-2), vide which co-accused Nishan Singh has already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that the new ground for filing the present petition is that a period of more than 01 year and 06 months has passed since the dismissal of the first petition and till date, there is no progress in trial.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the police party was present on a barrier for checking the vehicles and a truck

bearing registration number PB-13-AL-7767 was seen coming from Nawanshahr side. Three persons were sitting in the cabin. On suspicion, the truck was stopped and the persons sitting on the driver seat tried to escape but was overpowered by the police party, however, the cleaner managed to escape. Two other persons, sitting in the truck, were apprehended and on inquiry, the driver disclosed his name as 'Raghveer Singh' resident of Kotkapura Bypass Moga, the other person disclosed his name as 'Hardeep Singh' resident of Moga and the third person, i.e. the petitioner, disclosed his name as 'Nishan Singh' resident of District Sangrur. The person, who had escaped, was disclosed as 'Jaswinder Singh @ Kaka Gill' resident of Moga. On suspicion, they were given a notice to be searched either before a Magistrate or a Gazetted Officer, on which, they gave consent that they should be searched before a Gazetted Officer. Later on, DSP, Special Branch, Jalandhar (Rural) reached at the spot and in his presence, the search of the truck was conducted. From the body of the truck, which was loaded with bags of onions, 14 plastic bags containing poppy husk were recovered. On weighment, each bag was found to be containing 25 kgs. of poppy husk and total and the total poppy husk was found to be 350 kgs. Thereafter, the police party had drawn the sample parcel and sealed the bulk parcels.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner further submits that the allegations against the petitioner are that he was sitting in the truck along with co-accused Nishan Singh and Raghveer Singh @ Ragubir Singh @ Raghbir Singh. It is further submitted that co-accused Raghveer Singh @ Ragubir Singh @ Raghbir Singh has also been granted the concession of

regular bail by this Court, vide order dated 18.01.2022 passed in CRM-M-13226-2021.

Learned counsel further submits that as on today, the petitioner is in judicial custody for the last more than 03 years and 06 months and he is not involved in any other case under the NDPS Act.

Learned State counsel, on the basis of the affidavit of the SHO of the police station concerned, has not disputed the factual position, however, it is submitted that the investigation was conducted in the presence of a Gazetted Officer and recovery effected is 350 kgs. of poppy husk. However, it is not disputed that aforesaid two co-accused have already been granted the concession of regular bail by this Court and one other co-accused, namely Jaswinder Singh, has been granted the anticipatory bail by this Court, vide order dated 16.09.2019 passed in CRM-M-39207-2019.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties; 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.

08.03.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No