

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

Criminal Misc. No.M-42766 of 2020(O&M)

Date of Decision: August 26, 2022

Daler Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.K.S.Brar, Advocate for
Ms.Kuljeet Kaur, Advocate for the petitioner.

Mr.V.G.Jauhar, Addl.AG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.53 dated 14.05.2020 under Sections 15, 18, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Khuian Sarwar, District Fazilka, Punjab.

The version of the prosecution, as stated in the FIR is that on 14.05.2020, a Police picket was laid at Gujmal barrier in the area of Police Station Khuian Sarwar. One truck bearing Reg.No.PB-04P-4104 was seen coming with two persons sitting therein. On suspicion, it was stopped. It was being driven by co-accused Pippal Singh, while Daler Singh (petitioner) was sitting therein as Conductor. On completing the formalities, search was conducted. On search of the cabin of the truck, two plastic bags were recovered. On opening of one bag, 900 strips, each strip containing 10

tablets of Clovidol-100 SR Tramadol Hydrochloride (total 9000 intoxicant tablets), manufacturing date Apr.2020 Ex. Date Mar.2023 were recovered. From the second bag 6 Kilograms of poppy husk was recovered. On personal search of co-accused Pippal Singh opium weighing 80 grams was recovered from right pocket of his pant.

Ld. counsel for the petitioner has argued that nothing was recovered from the petitioner. The petitioner is neither the owner of the truck nor the Conductor on the truck. One co-accused had fled away from the spot and the police has falsely implicated the petitioner by stating that he was a Conductor. The petitioner had only taken a lift in the truck as he was known to its driver. Co-accused Pippal Singh has sworn an affidavit stating that the petitioner is not involved and that he had only taken a lift in the truck. It is stated that earlier the petitioner was working as Garden Worker in Malaysia. He has been falsely implicated in the present case.

Reply by way of affidavit of Rahul Bhardwaj, PPS, Deputy Superintendent of Police, Sub-division Abohar has been filed. It is stated that the person who was driving the vehicle disclosed his name as Pippal Singh. The person sitting on the conductor seat disclosed his name as Daler Singh (petitioner). Both the accused persons are known to each other being of the same Village. Co-accused Pippal Singh is the registered owner of the truck. They were found in conscious possession of the contraband at the time of its recovery.

The petitioner and co-accused Pippal Singh were in the truck. Pippal Singh was the driver. The petitioner was sitting beside him. A large

quantity of contraband has been recovered from the truck. At this stage it is not possible to accept the contention of the petitioner that he had only taken a lift in the vehicle and did not know that there was any contraband in the Truck.

No ground is made out to grant bail to the petitioner, at this stage.

Dismissed.

August 26, 2022

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No