

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video conferencing)

CRM-M No.52435 of 2021
Date of Decision: 24.01.2022

ACHHAR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Kang, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.106 dated 26.09.2020 registered under Sections 15(c), 25 (Section 61, 85 added later on) of the NDPS Act at Police Station Kahnuwan District Gurdaspur, Punjab.

CRM-M No.38532 of 2020 was disposed of by granting interim bail to the petitioner in view of law laid down in **Inderjeet Singh @ Laddi vs. State of Punjab, 2014(3) R.C.R. (Criminal)**

953.

After availing the concession of interim bail, the petitioner has surrendered before the trial Court on filing of FSL Report. Now the petitioner is in custody for the last more than 3 months and 26 days.

By way of present petition, the petitioner seeks regular bail on the premise that as per allegations 90 kgs. of poppy husk has been recovered from the truck of which the petitioner is alleged to be the driver. One Jagtar Singh is stated to be the owner of the truck, who has been granted anticipatory bail in CRM-M No.35824 of 2020 vide order dated 18.12.2020.

Learned counsel for the petitioner submits that the alleged recovery from the petitioner in view of non-appearance of his signature on the recovery memo would remain debatable. Learned counsel places reliance upon **Sandeep Kumar vs. State of Punjab, 2019(4) R.C.R. (Criminal) 741** and submits that in the very nature of allegations, the petitioner is entitled for regular bail.

Learned State counsel however opposed the bail on the premise that the recovery effected from the petitioner is commercial in nature.

In view of nature of allegations and the police proceedings, the complicity of the petitioner would remain debatable. Petitioner is in custody since 26.11.2021. Admittedly,

petitioner is not involved in any other case.

In view of aforesaid facts and also in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without advertng to the merits of the case,

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 24, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No