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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52755-2021 (O&M)
Date of Decision:02.09.2022

Bhagwan Singh @ Bhana

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.175 dated 24.06.2014 registered under Sections 15 and 25 NDPS Act, 1985 at Police Station Dharamkot, District Moga. The petitioner is in custody since his arrest on 16.01.2020.

As per the allegation levelled in the FIR, on 24.6.2014, when Inspector Satwinder Singh of Police Station Dharamkot was on patrol duty alongwith other police personnel, he received a secret information that the petitioner, Karamjit Singh, Balwinder Singh, Jeet Singh, Shinderpal Singh, Manjinder Singh and Amrik Singh, who are renowned smugglers would be coming towards Moga in Canter bearing registration No.PB-13W-9333 with heavy contraband of poppy husk. Finding the information to be credible, barricading was done and police party tried to stop the the said Canter. But the driver of the canter instead of stopping the canter, broke the barricading and fled away towards Kokri Kalan and the police party chased the said canter. Thereafter, the said canter went towards the katcha berm of the road

and hit into the electric pole and then it came to halt. The occupants of the canter jumped down of the same and they started running into different directions. Police party chased them and they succeeded in escaping. Police party identified them as Bhagwan Singh @ Bhana, Jeet Singh @ Jeeti and Balwinder Singh, however, Karamjit Singh, who was driver of the canter was nabbed. Upon search, 31 bags of poppy husk weighing 1085 kgs. in total were recovered from the Canter. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that no recovery of contraband was effected from the petitioner, as only one co-accused person, namely, Karamjit Singh was arrested when 1085 kgs of poppy husk was recovered. He submits that the petitioner along with his co-accused Jeet Singh @ Jeeti was implicated subsequently and trial in respect of his co-accused Jeet Singh @ Jeeti has ended in his acquittal, therefore, the case of the petitioner is at par with the said co-accused and he be also released on regular bail.

Learned State counsel assisted by ASI Manjit Singh has opposed the prayer, who has argued that the petitioner and his co-accused managed to escape from the place of recovery, whereas their accomplices were arrested on the spot. According to him, the petitioner was declared proclaimed person on 07.11.2014 and was arrested on 16.01.2020, therefore, he cannot derive any benefit from the judgment of acquittal in respect of his co-accused, who had faced trial. Apart from it, it is pointed out that the petitioner is involved in other cases of similar nature. In this regard, he has produced the custody certificate dated 01.09.2022 of petitioner by way of affidavit of Rajiv Kumar Arora, Superintendent of

Central Jail, Faridkot.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the petitioner remained absent from trial and was declared proclaimed person on 07.11.2014 and was arrested on 16.01.2020. Further, as per prosecution, 1085 kgs of poppy husk was recovered from petitioner and co-accused, which falls within the ambit of commercial quantity.

Resultantly, this Court without meaning any expression of opinion on the merits of this case, does not find it to be a fit case for releasing the petitioner on regular bail.

Dismissed.

02.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No