

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.53329 of 2021
Date of Decision: February 21, 2022

Bantu Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.252 dated 10.10.2021, under Sections 15 and 29 N.D.P.S.Act, 1985, registered at Police Station, Lehra, District Sangrur, who is in custody since his arrest on 18.11.2021.

As per the FIR, on 10.10.2021, the police party was going from village Gidriani to Fatehgarh in a Government vehicle bearing No.PB-13AW-4112 for patrolling and checking of suspected persons. When the police party was about 15 karams behind Churasta (four ways), a young man was seen sitting on a kucha paha. On seeking the police party, he became perplexed and tried to escape after leaving two plastic bags, which were in his possession. However, he was apprehended, who on inquiry disclosed his name as Major Singh son of Kaur Singh. Upon search of two bags, 55 kgs. of poppy-husk was recovered from Major Singh accused.

Learned counsel for the petitioner has argued that the contraband (55 kgs. of poppy husk) is marginally above the non-commercial quantity and the same was recovered from co-accused Major Singh, who was arrested on the spot. According to him, the petitioner was neither present on the spot nor has any connection with the said contraband, who was falsely implicated on the basis of the disclosure statement of Major Singh, who stated that the truck owned by the petitioner was used in bringing the contraband. Learned counsel has argued that even if it is assumed that the vehicle of the petitioner was used, it cannot be construed that the petitioner was aware of the contents of that material. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Gurcharan Singh, who has argued that the petitioner is a previous convict and in this regard has produced his custody certificate. However, it is not disputed that the recovery of contraband was effected from accused Major Singh. He submits that the investigation is nearly complete and the final report is likely to be filed in near future.

After hearing the learned counsel for the parties, considering the above background and the custody of the petitioner, this court is of the opinion that the possibility of conclusion of trial in near future does not seem to be probable. Admittedly, the material witnesses are the police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner

be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

February 21, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No