

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M-55999 of 2022
Date of Decision: 21.12.2022**

Rinku @ Param Dev

---Petitioner

versus

State of Punjab

---Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

Affidavit dated 20.12.2022 of Surinderpal Singh, Deputy Superintendent of Police, Sub-Division Rural, District Hoshiarpur on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No. 100 dated 19.9.2022 under Sections 15/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Haryana, District Hoshiarpur.

Learned counsel for the petitioner *inter alia* contends that petitioner is a poor taxi driver and he has purchased taxi in question which is a second hand car. The lady who had hired the taxi is a habitual offender and involved in many cases. The husband of the lady is also involved in many cases. The recovery was effected from back seat of the taxi. The quantity in question is 53 kgs of poppy

husk and commercial quantity under NDPS Act is 50 kgs. The petitioner is not involved in any other case. The petitioner is resident of Hoshiarpur and trial is also pending at Hoshiarpur. The petitioner is 39 years old and staying with his family which includes two minor kids and wife. The petitioner undertakes to face trial without any default.

Learned State counsel opposed the prayer for grant of bail.

In view of the fact that the petitioner is not a habitual offender, the recovery was effected from back seat of the taxi, the recovery effected is little more than the commercial quantity and the petitioner is ready to face trial without any default, the petition is allowed and the petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

21.12.2022

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No