

CRM-M-4200-2023

Date of Decision: 10.04.2023

Hardeep Singh alias Deepa

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present:- Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. G.S.Sandhu, DAG, Punjab.

ASHOK KUMAR VERMA, J. (Oral)

The petitioner is seeking regular bail in FIR No.103 dated 12.05.2022, under Sections 15 and 18 of the NDPS Act, registered at Police Station Samana, District Patiala.

Learned counsel for the petitioner contends that the petitioner was sitting on the co-driver seat with the co-accused Sukhwinder Singh alias Sukhi, who was the owner and driver of the truck from which alleged recovery of 200 kg of poppy husk has been effected. The petitioner was not aware of the bags of poppy husk being carried in the loaded truck.

Learned counsel for the petitioner further submits that after framing of charge till date no prosecution witness has been examined and the next date before the trial court is 24.04.2023. The petitioner is in custody for the last more than 10 months and is not involved in any other case under the NDPS Act or IPC. Learned counsel has relied upon the judgment of the

coordinate Bench of this court in the case of **Gurpreet Singh @ Gopi Vs.**

State of Punjab, CRM-M-36786-2020, decided on 14.01.2021 wherein the accused, who was conductor of the truck, from where 120 kg poppy husk and 1 kg opium were recovered, had been granted regular bail after 7 months.

Learned State counsel although submits that he has not received the brief the case, yet upon instructions, contends that charges have been framed by the trial Court but till date no prosecution witness has been examined. He has filed custody certificate which indicates that the petitioner is in custody for a period of 10 months and 27 days.

Heard.

In view of the above, especially when the petitioner is in custody for more than 10 months and none of the prosecution witness has been examined, he is not involved in any other case under the NDPS Act, he is neither the driver nor the owner of the truck rather was merely sitting on the co-driver seat and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner Hardeep Singh alias Deepa is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ASHOK KUMAR VERMA)
JUDGE

April 10, 2023

dharamvir

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO