

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(205)

CRM-M-9885-2023

Date of Decision : May 24, 2023

Kulwinder Singh alias Dhol**.. Petitioner****Versus****State of Punjab****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate,
for the petitioner.

Mr. Rozer Kumar Aggarwal, Assistant Advocate General,
Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.0003 dated 03.01.2021 registered under Section 15 of the NDPS Act, 1985 at Police Station Haryana, District Hoshiarpur.

2. Learned counsel for the petitioner argues that the petitioner is in custody since 03.01.2021 and the investigation is complete and the challan has already been presented but no prosecution witness has been examined so far which clearly shows that the trial is likely to take some time before it concludes hence, keeping in view the custody of the petitioner already undergone, he may kindly be extended the concession of regular

bail.

3. Notice of motion.

4. Mr. Rozer Kumar Aggarwal, learned Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State.

5. Learned counsel for the respondent-State, on the instructions from ASI Mohan Chand, submits that 100 kgs of poppy husk was recovered from Swift Car and the said poppy husk was being transferred from the canter to a Swift Car and at the time of search, 400 kgs of poppy husk was still lying in the canter. Learned counsel for the respondent-State further submits that the petitioner was sitting in the driver seat of the Swift Car with 100 kgs of poppy husk being transferred from canter to the car, hence, the possession of the contraband which was recovered from the car is that of the petitioner as the petitioner was sitting in the car at the relevant time hence, his prayer for the grant of regular bail may kindly be declined.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It may be noticed that out of 15 cited witnesses, 6 witnesses have already been examined.

8. Learned counsel for the petitioner was given an option that the trial Court can be directed by this Court to conclude the trial within a period of six months but the said offer was refused by the learned counsel for the petitioner.

9. It may be noticed that one of the co-accused, who has already been granted bail, has jumped the bail and has already been declared as a proclaimed offender.

10. Keeping in view the facts and circumstances recorded hereinbefore, it may be noticed that a commercial quantity of contraband

has been recovered in the present case, which was being transferred from canter to car in a systematic manner so as to be taken away by the petitioner.

The petitioner was sitting in the car at the time when 100 kgs of poppy husk was recovered from the car. That being so, coupled with the fact that co-accused of the petitioner, who were granted bail by the Coordinate Bench of this Court, have already jumped the bail, no ground is made out for the grant of regular bail to the petitioner in the facts and circumstances of the present case.

11. Dismissed.

May 24, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No