

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-12734-2022 (O&M)

Date of decision : 19.1.2023

Gurmail Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ranjit Singh Sidhu, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.25 dated 25.2.2022 registered under Sections 15 of NDPS Act at Police Station Sandaur, District Malerkotla.

As per allegations recorded in the FIR, the police received secret information and they raided disclosed place and on reaching there, poppy plants were found grown there and immediately, the plants were uprooted and their weight came out to be 40 kg. and they were taken into possession by the police. The case of the prosecution is that the said poppy plants were grown by the present petitioner.

On the last date of hearing, the State counsel apprised the Court that the land in which the said poppy plants were grown, comes under *lal dora* but its possession was with the petitioner. However, counsel appearing on behalf of the petitioner has denied the fact that the land in question is

owned or possessed by him and further submitted that the petitioner has

been falsely implicated in this case and has joined the investigation with the police by virtue of previous order of interim bail.

State counsel on instructions from ASI Inderjit Singh has admitted that the petitioner joined the investigation with the police and after completion of investigation, the police has presented the challan.

The present case being with regard to recovery of poppy plants, apparently will be covered under Section 18(c) of NDPS Act as per schedule provided in the said Act. Further it is a matter of evidence as to whether the said poppy plants were grown by the petitioner as his counsel is denying the possession of the petitioner with regard to the land in question.

In view of above as the present case is not covered under rigors of Section 37 of NDPS Act and the petitioner has already joined the investigation with the police, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 29.3.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

January 19, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No