

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

227

CRM-M-19242-2023 (O&M)

Date of Decision: 07.08.2023

JOHAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Harmilonjot, Advocate for
Mr. Sapan Dhir, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.59 dated 13.07.2022, registered under Sections 15, 25, 29, 61, 85 of the NDPS Act, at Police Station Sadar Raikot, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner has been indicted on the basis disclosure statement of co-accused, namely, Hakam Singh, from whose conscious possession 6 qunital of poppy husk was recovered; that the said recovery was effected from a truck, which was being driven by co-accused, Hakam Singh and that the petitioner has been in custody since 17.08.2022. He further submits that there is no other case registered and/or pending against the petitioner and that post presentation of the challan, the charges are yet to be framed.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, does not dispute the custody period of the petitioner. He, however, submits that recovery of contraband effected in the present case, falls under commercial quantity and that Section 37 NDPS Act bars the grant of bail to the accused in case of commercial quantity. It is further submitted that the recovery was effected from the truck, which was being driven by the co-accused and the said truck is in the name of the father of the petitioner and that material witnesses are yet to be examined and, thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.08.2022. Nothing was recovered from the petitioner. The petitioner has been indicted on the basis of the disclosure statement of the co-accused. The truck in question is in the name of the father of the petitioner. There is no other case registered and/or pending against the petitioner. Charges are yet to be framed and the prosecution evidence is to commence. Trial is unlikely to conclude any time soon.

In view of the above, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars. Resultantly, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.08.2023

(HARNARESH SINGH GILL)

Aman Jain

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No