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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-21918-2023****Date of Decision:25.07.2023**

Manjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. S.P.S. Khaira, Advocate,
for the petitioner.Mr. Amish Sharma, Assistant Advocate General, Punjab assisted
by ASI Gurnam Singh.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.25 dated 17.02.2022 registered under Sections 18, 25, 29/61/85 of NDPS Act, at Police Station Sadar Jagraon, District Ludhiana.

As per story of the prosecution, on 17.02.2022, a police party headed by SI Chamkaur Singh, CIA Staff, Jagroan received a secret information that Jagtar Singh @ Jaggi, Daljit Singh and Harjinder Singh had been indulging in the business of selling opium and on that day, they were coming on a vehicle bearing registration No. PB 13-BG-9485 from Swandi to Sidhwan Klan and if a naka was set up, a heavy quantity of opium could be recovered from them. On getting this information, a naka was set up and the truck was stopped and the persons, who were sitting in the said vehicle, disclosed their names and addresses to be Jagtar Singh @ Jaggi, son of Sher Singh, resident of Kothe Sher Jang,

P.S. City Jagraon, Daljit Singh, son of Jagsir Singh, resident of Sidhwan Kalan, P.S. Sadar Jagraon and Harjinder Singh son of Darshan Singh, resident of Kotla Afgana, P.S. Sahnewal. As per the prosecution, on search of the said vehicle, 13 kg opium and Rs.12,900/- were recovered from them. During the investigation, it was discovered that the present petitioner was the registered owner of the truck, from which, the recovery of contraband had taken place.

Learned counsel for the petitioner contends that the petitioner was not connected to the accused in any manner nor on the date of occurrence, he had communicated with the accused, who were allegedly apprehended at the spot. He further contends that even though, the petitioner has been recorded as registered owner of the truck bearing registration No.PB-13-BG-9485, but he had already sold the truck to the main accused Jagtar Singh @ Jaggi on 21.11.2020 and has relied upon the affidavit (Anneuxre P-2) in this regard. Learned counsel further contends that the petitioner is in custody since 17.03.2023 and his further custody will serve no meaningful purpose. Challan has already been presented against the present petitioner in the competent Court. Thus, the conclusion of the trial will take quite a long time.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that the recovery from the co-accused is commercial in nature and even the petitioner is the registered owner of the truck and does not deserve the concession of bail by this Court.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the co-accused Jagtar Singh @ Jaggi, who was apprehended, had already executed in an agreement regarding the sell of truck on 21.11.2020. Further, the investigation has been completed in the present case and the petitioner is in custody for the last about four months. Even no recovery was effected from the petitioner and there is no other criminal case against him.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

25.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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