

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22589-2023
DECIDED ON: 16th MAY, 2023

BIRBAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Premjit Singh Hundal, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 0198, dated 25.11.2021, under Sections 15(c), 25 and 29 of NDPS Act, 1985, registered at Police Station Sadar, Bathinda.

2. Learned counsel for the petitioner has vehemently contended that the petitioner is only the driver of the tralla, who is actually owned by one Harbinder Singh and was doing duty of de-loading the truck at bus stand Gidderbaha. The petitioner has no knowledge about the presence of any such contraband and 153 Kgs of poppy husk is alleged to be recovered from the said tralla. He submits that the petitioner is not involved in any other case of any nature whatsoever and has already suffered reasonable period behind the bars i.e. 1 year 5 months and 12 days, as of now. He also relies upon the judgment of the Apex Court rendered in the case of

“Ashish Mishra @ Monu vs. State of U.P.; passed in SLP (Criminal) No.

7857 of 2022, decided on 25.01.2023.

3. Learned State counsel has produced the custody certificate of the petitioner. According to which the petitioner has suffered incarceration of 1 year 5 months and 12 days as of now. From the perusal of the custody certificate it is apparent that the petitioner is having neat and clean antecedent as he is not involved in any other case of any nature whatsoever.

4. Considering the afore-said facts and circumstances added with the facts that the petitioner was working as a driver on the tralla owned by the main accused namely Harvinder Singh; neither any custodial interrogation of the petitioner is required nor any recovery is to be effected and the conclusion of trial is likely to take certain time, no useful purpose would be served by keeping the petitioner behind the bars.

5. Accordingly, the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The petition is allowed in the afore-said terms.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

16th MAY, 2023

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>