

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

(226)

CRM-M-25564 of 2023
DATE OF DECISION:-25.05.2023

Baldev Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K. S. Brar, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of bail in case FIR No.41 dated 08.05.2021 registered under Section 15-C of Narcotic Drugs and Psychotropic Substances Act, 1985 at P.S. Cantt Bathinda, District Bathinda.

(2) As per the allegations levelled in the FIR, 175 Kg of Poppy Husk was recovered from the truck owned by the co-accused upon which petitioner was employed as driver.

(3) Learned counsel for the petitioner submits that the petitioner has already suffered incarceration for a period of two years and the investigation already stands concluded followed by framing of charges, however, out of 14 only two witnesses have been examined so far and the trial is thus likely to take some time. He further submits that petitioner is not involved in any other case.

(4) On the other hand, prayer made herein has been vehemently opposed by learned State counsel while referring to heavy recovery.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the

petitioner.

(6) Considering the fact that the petitioner has already suffered incarceration for a period of more than two years and the trial is still at the initial stage as only two witnesses have been examined out of total of 14 and the petitioner being the first offender, I do not see any justified reason to extend the incarceration of the petitioner.

(7) As per allegations against the petitioner was driver of the truck whereas the co-accused namely Sukhwant Singh @ Bunty, the alleged owner of the truck has also been granted concession of bail by this Court vide order dated 12.05.2023 passed in CRM-23185-2023.

(8) Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

25.05.2023

anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No