

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212-CRM-M-27362-2023 (O&M)

Date of Decision: 01.06.2023

GURMEJ SINGH

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. HS Sandhu, Advocate for the petitioner

Mr. Mohit Chaudhary, AAG Punjab

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.22 dated 06.03.2023 under Sections 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ghall Khurd, Ferozepur.

Learned counsel for the petitioner has argued that has been falsely implicated in the present case as no intoxicating substance was recovered from him and the FIR was registered on the basis of secret information but no independent witness was joined by police. Even otherwise, it is a case of recovery of non-commercial quantity of intoxicating substance. The petitioner is in custody since 06.03.2023.

On the other hand, learned State counsel has filed custody certificate dated 31.05.2023 which is taken on record. According to the same, the petitioner has undergone 2 months and 23 days of custody. Learned State counsel further submits that recovery of contraband has been effected from the house of the petitioner who has planted poppy plants in his house and that recovery of 1090 poppy plants weighing 35 kg was effected from the house

of the petitioner which is a direct link to the commissioning of the offence on his part and therefore, he does not deserve the concession of regular bail wherein the trial is yet to commence more-so, when there is a serious apprehension of their tampering or damaging the evidence or winning over the witnesses.

Be that as it may, it is an admitted fact that the recovery of poppy, if any, is of non-commercial quantity. Besides, as per the custody certificate, it is abundantly clear that the petitioner has clean antecedents who is not found involved in any other case except the present one.

In the light of the aforesaid facts and circumstances as discussed above and the orders passed by the Apex Court in Nitish Adhikary @ Bapan vs. State of West Bengal SPL (CrI) No.5769 of 2022 decided on 01.08.2022 and Dheeraj Kumar Shukla vs. State of Uttar Pradesh, SPL (CrI.) No.6690/2022 decided on 25.01.2023, when the petitioner has faced reasonable time behind the bars wherein the trial is likely to take long time and particularly when no useful purpose would be served keeping the petitioner behind the bars and also that he has clear antecedents except the present case, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

01.06.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No