

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

CRM-M-39154-2021

Date of Decision: 15.05.2023

Baljit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present:- Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. J.P.Ratra, Sr. DAG, Punjab.

ASHOK KUMAR VERMA, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.31 dated 17.05.2020 registered under Section 15/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sudhar, District Ludhiana.

Learned counsel for the petitioner has argued that as per the prosecution case, 105 kg of poppy husk was recovered from the petitioner when he was traveling in his truck bearing Registration No.PB-13-Z-0936. It is further the case of the prosecution is that one Gurmail Singh and one another accused were also apprehended alongwith 105 kg of poppy husk from another truck bearing Registration No.PB-23J-0595.

Learned counsel for the petitioner further has further submitted that on 17.05.2020 at about 8:00 a.m. five police official came to the house of the petitioner and forcibly tried to take him to the police station alongwith

the truck on account of some accident caused by him on 16.05.2020 and at that time villagers alongwith Sarpanch and Nambardar were also present at the spot and at that time upon search nothing incriminating article was recovered from his house and the truck. The police officials assured that the petitioner will be released after interrogation. On the next day the Sarpanch and other villagers came to know that the petitioner has been implicated in a false case and 105 kg of poppy husk in three bags has been recovered from him and he is in custody since 17.05.2020.

He further submits that provisions of Section 42 and 50 of the NDPS Act, 1985, have not been complied with by the police officials.

Upon notice to the respondent State, reply by way of affidavit of Sh.Jasbinder Singh, DSP, Sub-Division, Dakha, District Ludhiana, dated 27.04.2023 alongwith the custody certificate dated 12.05.2023, has filed in the Court today by the learned State counsel which are taken on record and copies thereof supplied to learned counsel for the petitioner.

Learned State counsel has opposed the prayer and argued that as per the reply the petitioner-Baljit Singh was apprehended alongwith the contraband by the patrolling party from truck bearing Registration No.PB-13Z-0936 which was driven by him at that time, which upon verification was later on found to be registered in the name of one Ranjit Singh son of Hoshiar Singh, resident of Manuke, District Ludhiana and the said Ranjit Singh has been arrayed as co-accused.

However, it is not disputed by learned State counsel that after framing of charges on 02.03.2022, only 3 prosecution witness has been examined out of total 11 witnesses, and the case is now fixed before the trial

Court for recording the remaining prosecution witnesses on 15.05.2023.

Keeping in view the facts and circumstances of the case and long custody period of the petitioner as also the fact that he is not the owner of the truck from which the contraband was recovered and he admittedly not being involved in any other case and also the fact that the trial likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, petitioner-Baljit Singh ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

(ASHOK KUMAR VERMA)
JUDGE

May 15, 2023
dharamvir

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO