

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37641 of 2023
Date of decision: 9th August, 2023

Jugraj Singh @ Gajja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. S. Gill, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in:

FIR No.	Dated	Police Station	Section
59	22.5.2015	Passiana, District Patiala	15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act')

2. The brief facts are that on 22.5.2015, the police party during routine checking recovered 240 kilograms of poppy husk from a vehicle occupied by Yadwinder Singh. As per the allegations, the petitioner was successful in fleeing from the spot.
3. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot, no recovery was made from him or at his instance and it is a case of false implication. He further submits that the petitioner is in custody since 28.7.2022 and the investigation is complete.
4. Learned counsel for the State opposes the prayer for grant of bail and submits that the petitioner was declared proclaimed offender and an FIR under Section 174-A IPC was registered. The contention is that there is apprehension of his absconding and he is involved in two more

cases.

5. Learned counsel for the petitioner on instructions from his client submits that in one case the sentence was suspended and to show his *bona fide* the petitioner is ready to furnish cash security of Rs.1,00,000/-.

6. Without commenting on the merits of the case, considering that the petitioner was not apprehended from the spot; no recovery was made from him; he is in custody for more than one year; though the investigation is complete conclusion of trial is likely to take time and the apprehension of the learned State counsel has been reasonably met with the offer made, the petitioner is granted bail subject to his furnishing cash security of Rs.1,00,000/- with the Trial Court to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned. The amount shall be kept in FDR subject to out-come of the trial.

7. In case of failure of the petitioner to appear before the trial court, the amount shall be forfeited.

8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

9th August, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No