

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.220

CRM-M-39338-2022

Date of decision: 01.05.2023

Sagna Singh @ Shagandeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.131 dated 23.06.2022 registered under Sections 15, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Baghapurana, District Moga.

2. Briefly stated, the case of the prosecution is that 40 kgs of poppy husk was recovered from the car which was being driven by the petitioner and in which co-accused Jagtar Singh was also travelling. On the happening of the afore event, both the petitioner and Jagtar Singh were arrested and on the disclosure of co-accused Jagtar Singh, the police recovered 12 kgs of poppy husk concealed near a Canal.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal

antecedents; the petitioner is in custody since 23.06.2022; even after the passage of over 10 months, only two prosecution witnesses have been examined; there is no recovery of any poppy husk from the petitioner's person; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, non-commercial quantity of drugs have been recovered from the car of which the petitioner and co-accused Jagtar Singh were occupants and that since in the petitioner's trial 11 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

4. Learned State counsel admits to the period of incarceration of the petitioner and that the petitioner has no other criminal antecedents but opposes the grant of bail to the petitioner on the ground that if he is released on bail he is likely to indulge in similar offences.

5. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

6. The alleged recovery from the car in which the petitioner and co-accused Jagtar Singh were allegedly travelling is 40 kgs of poppy husk which is classified as “non-commercial” under the NDPS Act; the petitioner has no other criminal antecedents; the petitioner is in custody since 23.06.2022; till date only 02 prosecution witnesses have been examined and that since in the petitioner's trial 11 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

7. Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the

CJM/Duty Magistrate, Moga, the petitioner is directed to be released on bail.

8. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

9. It is further directed that while on bail the petitioner shall own and possess smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally reside; he shall mark their attendance on 1st of each month in the police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

May 01, 2023
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No