

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

CRM-M-52413-2022

Date of decision: 27.02.2023

Gurdev Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. G.B.S.Dhillon, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.73 dated 26.07.2022, registered at Police Station City Zira, District Ferozepur, under Sections 15 and 61 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner and the co-accused were apprehended alongwith 52 kg. poppy husk in a truck; that co-accused, namely, Gagandeep Singh @ Gagan and Ravinder Singh, who were the driver and the conductor of the truck, have since been granted the concession of regular bail by a Coordinate Bench, vide orders dated 09.02.2023 passed in CRM-M-57294-2022 and CRM-M-57151-2022, respectively, that the petitioner is alleged to be registered owner of the truck; that the petitioner has been in custody since 26.07.2022, and that the prosecution witnesses are yet to be examined. So far as another case registered against the petitioner, under the NDPS Act, is concerned, he has been released on bail. In support of his contentions, the learned counsel relies upon the judgment dated 17.06.2020 rendered by a Coordinate Bench

in CRM-M-12051-2020, titled as 'Mewa Singh Vs. State of Punjab'.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the extent of poppy husk recovered in the present case, falls under the 'commercial quantity'; that the challan has been presented and that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

In the present case, recovery of 52 kg. poppy husk had been effected from the truck allegedly owned by the petitioner. As stated above, co-accused, namely, Gagandeep Singh @ Gagan and Ravinder Singh, who were the driver and the conductor of the truck, respectively, have since been granted the concession of regular bail by the Coordinate Bench. So far as another case registered against the petitioner, under the NDPS Act, is concerned, he has been released on bail therein.

The petitioner has been in custody since 26.07.2022. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

27.02.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No