

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-9829-2024 (O&M)
Date of Decision:-1.3.2024

Nirmal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
117	5.11.2020	Kahnuwan, District Gurdaspur	15(c), 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution, the petitioner alongwith Rajwinder Singh @ Raju (driver) and Gurjot Singh @ Ladi were found transporting 340 kilograms of ‘*poppy husk*’ in a truck.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It has been submitted that the truck in question

allegedly seized by the police is owned by Gurjot Singh @ Ladi and was being driven by Rajwinder Singh @ Raju and that the petitioner was merely a helper, who has been implicated falsely and that the petitioner cannot be attributed conscious possession of the contraband allegedly recovered from the truck in question. It has been submitted that the petitioner has been behind bars since the last about 3 years, 3 months and 19 days and has a clean record.

4. Opposing the petition, learned State counsel submitted that since it is a case of recovery of non-commercial quantity of contraband, the petitioner does not deserve the concession of bail. It has been informed that as on date 7 PWs out of the cited 12 PWs have been examined. It has also been informed that the petitioner is not involved in any other case.
5. This Court has considered the rival submissions.
6. As per the case of prosecution, the petitioner was found sitting in the cabin of truck, which was being driven by co-accused Rajwinder Singh @ Raju and which was being owned by Gurjot Singh @ Ladi, who was also travelling in the same. In these circumstances, the question as regards conscious possession of the contraband would be debatable. In any case, the petitioner has been behind bars for a substantial period of 3 years, 3 months and 19 days and that till date only 7 PWs out of the cited 12 PWs have been examined so far. The petitioner otherwise enjoys a clean record. Under these circumstances, this Court is of the opinion that the petitioner can be extended the concession of regular bail. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail

bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

1.3.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No