

CRM-M-13170-2024

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

CRM-M-13170-2024
Decided on:-02.04.2024

Jagdeep SinghPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Kamlesh, Advocate,
for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.83 dated 13.12.2023, registered under Section 15 of the NDPS Act, 1985, at Police Station Sandaur, District Malerkotla.

2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 52 kgs of poppy husk which was found in Trola/Truck bearing Regn.No.PB-10FF-4172 make Tata, driven by him. She further submits that even co-accused of the petitioner namely, Jasvir Singh has already been granted the concession of regular bail by this Court vide order dated 05.03.2024 passed in CRM-M-10660-2024.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the recovery of contraband involved

besides the custody period of the petitioner which is 3½ months only.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, petitioner happens to be driver of the vehicle in question and not the owner; recovery is marginally higher than the commercial quantity which even includes the weight of plastic bag; petitioner is not involved in any other case under the NDPS Act; custody period is 3½ months and as per learned State counsel the investigation has been completed and challan though prepared is going to be presented soon.

6. Considering the fact that the petitioner has already suffered incarceration for a period of 3½ months and the trial is likely to take sometime in its culmination, besides the fact that co-accused namely, Jasvir Singh has already been granted the concession of regular bail by this Court as mentioned above, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

02.04.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No