

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14196-2024
Date of Decision: 22.03.2024

Naib Singh	...Petitioner
State of Punjab	...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mikhail Kad, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.66 dated 19.10.2023 registered under Sections 15, 25, 27, 29, 61 of NDPS Act, at Police Station Bakshiwala, District Patiala.
2. As per story of the prosecution, two accused, namely, Satwinder Singh and Sinder Kaur were arrested by the police and 60 kg of poppy husk was recovered from both of them.
3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been wrongly nominated as an accused only on the basis of the disclosure statement suffered by co-accused. In fact, the petitioner was neither present at the place of occurrence nor had any connection with Satwinder Singh and Sinder Kaur. He further contends that the petitioner was arrested in the present case on 05.03.2024 and no recovery was effected

from him. He further contends that two more FIRs i.e. FIR No.66 dated 16.07.2011 under Section 15 of NDPS Act at Police Station Amargarh and FIR No.144 dated 24.09.2023 under Section 15 of NDPS Act, at Police Station City Dhuri were registered against him. However in FIR No.66 dated 16.07.2011, the petitioner has already been ordered to be acquitted and in case FIR No.144 dated 24.09.2023, the petitioner has already undergone the total sentence.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that very serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 05.03.2024 and no recovery has been effected from him. Even the case of the petitioner is clearly distinguishable from the case of Satwinder Singh and Sinder Kaur, from whom 60 Kg of poppy husk has been recovered.

7. Without commenting 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 bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.03.2024.

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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No