



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

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CRM-M-14533-2024

Date of decision: 20.05.2024

Balvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.68 dated 04.06.2022 under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Badhni Kalan, District Moga.

2. Learned counsel for the petitioner submits that a secret information was received by the police against co-accused Mandeep Singh (driver) and Satnam Singh (cleaner) that they were transporting 1000 kgs of poppy husk in a truck. Learned counsel has submitted that admittedly no secret information had been received qua the petitioner and he was lateron arraigned as an accused on the basis of a disclosure statement by co-accused Mandeep Singh who was apprehended at the spot by the police; said Mandeep Singh stated that the truck in question



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was owned by the petitioner. Learned counsel submits that it is a matter of record that the petitioner is not the registered owner of the said truck but it is one Vinod Paswan who has not even been made an accused in the present case. Furthermore, it is only on the basis of some affidavit given by Vinod Paswan, the latter had been implicated in the present case. Learned counsel has also submitted that the petitioner being innocent is evident from the fact that he has no criminal antecedents, much less being involved, in any other case under the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Dharamvir Singh, has not disputed that the petitioner was not present along with the co-accused when they were apprehended along with 50 bags of poppy husk containing 1000 kgs. It has also not been disputed by the learned State counsel that secret information had not been received qua the petitioner, however, it has been submitted that the vehicle stood sold to the petitioner by the original owner Vinod Paswan, in which regard an affidavit had also been given to the investigating agency by the previous owner, Vinod Paswan, during investigation, though the Registration Certificate of the vehicle in question no doubt, was in the name of Vinod Pawan. Learned State counsel has, on further instructions, submitted that after the challan was presented and charges framed on 13.10.2023, only 02 prosecution witnesses had been examined and that too partly, out of the 18 cited and the next date fixed before the learned Trial Court was 28.05.2024.

4. On a pointed query, learned State counsel has not disputed



that the petitioner is not involved in any other case much less under the NDPS Act.

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

6. The petitioner has been in custody since 09.06.2023. Admittedly, even after he was arrested, on the basis of a disclosure statement suffered allegedly by the co-accused, no recovery of any contraband was affected from him. The trial is unlikely to conclude in the near future as 16 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

20.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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