



CRM-M-26286-2024

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**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-26286-2024
Decided on : 16.10.2024

Sandeep Kumar @ Sunny

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

In compliance of order dated 27.08.2024, reply by way of an affidavit of DSP, Sub Division Mansa District Mansa filed on behalf of respondent-State in Court today, is taken on record subject to all just exceptions. Copy of the same has also been furnished to the counsel opposite.

Main case

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.208 dated 06.09.2020 under Sections 15, 18, 25 and 29 of NDPS Act, 1985 and Sections 420, 473 and 165 IPC registered at Police Station Bhikhi District Mansa.



2. While drawing the attention of this Court to the contents of the affidavit, learned State counsel has conceded that no documentary evidence was collected with respect to the petitioner's ownership of the truck from which the alleged recovery of 200 kgs of poppy husk was affected. However, it has been submitted by the learned State counsel that although the truck in question was registered in the name of one Kamikar Singh, however, it had surfaced during investigation that the petitioner in fact was the real owner of the truck. Learned State counsel, on further instructions, has not disputed that the petitioner has been in custody since 15.02.2024 and the investigation in the present case is complete as supplementary challan stands presented against the petitioner.

3. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case under the NDPS Act, he, on instructions, has replied in the negative.

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

5. The petitioner's name as not disputed by the learned State counsel has surfaced in the disclosure statement allegedly suffered by Kamikar Singh, who was alleged to be driving the truck in question when he was intercepted and 200 kgs of poppy husk was affected from it. The petitioner is not shown to be involved in any other case under the NDPS Act. The possibility of the trial concluding in the near future



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looks remote as charges against the petitioner have not yet been framed coupled with the fact that as many as 17 prosecution witnesses have been cited.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. 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.

7. 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.

16.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

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