

S. No.221

2024:PHHC:049335

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51451 of 2023

Date of Decision:10.04.2024

Malwinder Singh @ Bobby

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

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

Mr. Baljinder Singh, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.43 dated 01.04.2023 registered under Sections 15, 29 and 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Sadar Sangrur, District Sangrur.

As per allegations, on 01.04.2023, during patrolling, a police party apprehended the petitioner when he was travelling in a Swift Car with poppy husk weighing 60 kg.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last more than one year; that the trial is not proceeding further and it will take time to conclude, and so, he be allowed regular bail.

Learned State Counsel has opposed the bail petition by pointing out towards the commercial quantity of the contraband as recovered from the petitioner.

Learned State Counsel has also drawn attention towards the criminal antecedents of the petitioner.

As per the custody certificate placed on record, petitioner is in custody in the present case for the last 01 year and 07 days. Although he is shown to be undertrial in another case bearing FIR No.49 dated 02.04.2013 registered under Section 15 of the NDPS Act registered at Police Station Sadar, Sangrur but as per the status report, he was convicted in that case. Custody certificate also shows that he was released in that case after undergoing sentence of 01 month and 07 days wayback in 2013. Learned counsel for the petitioner also informs that that case FIR No.49 dated 02.04.2013 pertain to recovery of 10 kg. of poppy husk. The Custody certificate also reveals involvement of the petitioner in yet another case bearing FIR No.105 dated 30.08.2022 registered under Sections 15 and 29 of the NDPS Act at Police Station Sadar Sangrur. However, learned counsel for the petitioner informs that that case pertains to 2 kg of poppy husk, which was not recovered from the petitioner and that the petitioner was nominated under Section 29 of the NDPS Act on the basis of disclosure statement of the co-accused.

Apart from above, learned State Counsel also informs that out of total 18 witnesses cited by the prosecution, examination-in-chief of only two of the witnesses have been recorded so far. Thus, trial is likely to take long time to conclude. The quantity of contraband as recovered from the petitioner is marginally higher than the commercial category.

Having regard to all the afore said facts and circumstances of the case, but without commenting anything further on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and

surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned,
on usual terms and conditions.

April 10, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No