



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

CRM-M-49211-2024

Date of decision: 08.11.2024

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Tanvir Joshi, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case having FIR No.08 dated 20.01.2024, under Section 15(c) of NDPS Act, (Section 27 of NDPS Act, added later on), registered at Police Station Lambi, District Sri Muktsar Sahib.

2. The allegations in nutshell are that police received information that one damaged XUV-500 having No.PB-09AM-6171 was lying unattended at a distance about half kilometer from Tappa Khera. The police officials reached there and on checking of the vehicle, 160 kg of poppy husk packed in eight plastic bags, was recovered on 20.01.2024. During investigation, it was revealed that one Vikram Singh @ Vicky was owner of the said damaged vehicle, which had met with an accident. He joined the investigation. On his questioning, it was revealed that his aforesaid vehicle was borrowed by Roop Singh, Sukhdev Singh @ Sukhchain Singh and



Hansa Singh and they misused the said vehicle for transportation of contraband, but the said vehicle met with an accident and was abandoned by aforesaid three persons. The present petitioner was also traveling in the said vehicle along with said three persons, when the said vehicle met with an accident. Later on, the petitioner was arrested.

3. The counsel for the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case, as he was neither driver nor owner of the vehicle in question. That the petitioner is in custody for the last about 8 months and is having no criminal history. It is further submitted that there is nothing on the record to connect the petitioner with the aforesaid recovery of 160 kg of poppy husk. The said recovery was not effected from the conscious possession of the petitioner. That it will take time for the trial to conclude. So, prayer is made that the petitioner be granted bail pending trial.

4. The present petition is resisted by the State counsel who submits that no doubt, the petitioner is not connected with the aforesaid XUV-500 in any manner but during investigation, it was revealed that the said vehicle was borrowed by Roop Singh, Sukhdev Singh @ Sukhchain Singh and Hansa Singh from its owner Vikram Singh @ Vicky and thereafter, they used the said vehicle for the purpose of transportation of commercial quantity of contraband and at that time, the petitioner was also accompanying the aforesaid three persons. However, the State counsel has not disputed the fact that the petitioner is in custody for the last about 8 months and that the trial is at its initial stage.

5. I have considered the submissions made by counsel for the



parties.

6. Apparently, the recovery of commercial quantity of contraband was not effected from the conscious possession of the petitioner and rather the said recovery was effected from abandoned damaged vehicle which had met with an accident. Admittedly, the petitioner was not owner of the aforesaid vehicle. The petitioner is in custody for the last about 8 months and the complicity of the petitioner will be established during the trial but the trial is at its initial stage and it will take time for trial to terminate. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.11.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No