

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.55067-2023 (O&M)
Date of Decision: 15.01.2024

Gurmit Singh

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. J.S. Dhaliwal, Advocate for the petitioner.

Mr. Jashan Preet Singh, DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.32 dated 04.04.2023, under Sections 15C, 27, 29 of NDPS Act, 1985, registered at Police Station Maur, District Bathinda.

(2) Above FIR was registered on the basis of statement made by ASI-Parwinder Singh with the allegations that white swift car and a truck trailer were apprehended by the police party. On search of the car, two plastic bags containing 20 Kg. (each) of poppy husk were recovered. Similarly, two other plastic bags were recovered from the truck trailer containing 20 Kg. (each) of poppy husk.

(3) Contends that alleged recovery is non-commercial in nature. After investigation, report under Section 173 Cr.P.C. has already been submitted and trial is likely to take sufficient long time. Also contends that two co-accused namely Balwant Singh and Amandeep Singh have been granted bail by Ld. Special Court on 29.05.2023 (P-2) and 21.06.2023 (P-3), respectively and third

co-accused namely Ranjit Singh has also been granted concession pending trial by this Court in CRM-M-33137-2023 vide order dated 15.01.2024.

(4) Learned State counsel on instructions from ASI-Gurcharan Singh submitted that challan has already been presented, but charges are yet to be considered by the Court of competent jurisdiction. He opposed the prayer of the petitioner by submitting that alleged poppy husk was recovered from the conscious possession of petitioner, therefore, he does not deserve the concession of bail.

(5) Heard both sides and perused the paper-book.

(6) As per allegations of the prosecution, 40 Kg. poppy husk was recovered from the truck trailer, but, there is no allegation that petitioner was driving the trailer; nor it is alleged that he is the owner of the trailer. Moreover, alleged recovery is non-commercial in nature and as already noticed, three co-accused have already been granted the concession of bail pending trial.

(7) Petitioner is in custody since 04.04.2023; challan has already been presented; charges are yet to be considered by the Special Court; hence, trial is likely to take sufficient long time. In such a scenario, no useful purpose would be served by keeping the petitioner in custody.

(8) Therefore, present petition is allowed; petitioner is ordered to be released on bail pending trial in the present case on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

(9) However, it is clarified that petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(10) The above observations may not be construed as an expression of opinion on the merits of the case.

- (11) It is also clarified that in case there is any misuse of concession on the part of petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

15.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No