



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-56926-2024 (O&M)
Date of Decision:- 21.11.2024

Amarjeet Sharma ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.N.Lohan, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
239	12.07.2024	Civil Line Jind, District Jind	15(c)/29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged pursuant to receipt of secret information to the effect that one Rinku and Sindarpal indulged in sale of ‘poppy husk’ and that they had kept huge quantity of contraband concealed in the rented house of Suresh. Pursuant to receipt of said information the police went to the house of Suresh. In the meantime, an information was received that Sindarpal had been spotted on Jind-Safidon road



bye-pass. Said Sindarpal was apprehended by the police while he was travelling in a vehicle bearing registration No.PB-13AY-1064. Upon searching the house of Suresh 68 plastic bags containing a total of 898 KGs of poppy husk were recovered. Sindarpal was formally arrested and he suffered a disclosure statement nominating Rinku as his associate. Rinku was also arrested on the same day along with vehicle No.26CW-0278 (XUV). It is further the case of prosecution that upon interrogation Rinku disclosed that he had brought the contraband/poppy husk from Manuranjan Yadav from Jharkhand in a truck bearing registration No.PB-11CR-9741. As per the case of prosecution, upon investigation the said truck was found to be owned by the petitioner and who was consequently arrested.

3. Learned counsel for the petitioner submitted that he was neither ever present at the spot nor was arrested at the spot nor was found in possession of contraband and was in fact not even owner of the truck in question which stands registered in the name of Manjit Sharma. It has been submitted that even if, for the sake of arguments it is taken to be correct that he is owner of the truck still, in the absence of any recovery either from the petitioner or from the truck/canter in question, he cannot be said to have committed any offence.
4. Learned State counsel opposed the petition. Learned State counsel however, could not dispute the fact that the truck in question belongs to one Manjit Sharma but has submitted that said Manjit Sharma is a member of family of the petitioner. It has also been informed that the



petitioner as on date has been behind bars since 3 months and 28 days and that challan already stands presented. It has also been informed that the petitioner otherwise is not involved in any other case.

5. This Court has considered rival submissions addressed before this Court.
6. It is not in dispute that neither the petitioner was ever arrested at the spot nor was ever found in possession of the contraband. The truck/canter in question is not registered in the name of the petitioner. Still further, no recovery whatsoever was ever effected from the truck and it is only a disclosure statement of co-accused who has stated that the truck in question belongs to petitioner and was used to transport the contraband. The petitioner otherwise has a clean record and has been behind bars for about 4 months. Challan already stands presented. However, charges are yet to be framed necessarily indicating that the trial has not commenced so far. Under these circumstances, further detention of the petitioner will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.11.2024
mohan

(GURVINDER SINGH GILL)
JUDGE

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