

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-802 of 2024(O&M)
Date of Decision: 24.01.2024

Boota Singh @ Buta Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. L.S. Sekhon, Advocate
For the petitioner.

Mr. G.S. Sidhu, AAG Punjab.

KARAMJIT SINGH, J.

1. The present second petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 79 dated 06.08.2018, registered under Sections 15, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act (for short the NDPS Act) at Police Station Mehna, District Moga, the first one (CRM-M-28641 of 2023) being withdrawn on 03.07.2023.

2. The allegations in nutshell are that on 06.08.2018 police received secret information that poppy husk was being transported in truck No. PB07U-1945 driven by co-accused Dharamjit Singh and Gurvir Singh and Jagdev Singh were also travelling in the said truck, which was escorted by petitioner and Shinder Singh, who were in separate car No. PB29N-9314 and were guiding the aforesaid truck in order to ensure safe passage for said truck. Then the police party reached the disclosed place and apprehended the said truck. But in the meantime, the petitioner and his co-accused traveling

in aforesaid car managed to escape, along with Jagdev Singh. The driver of

the truck disclosed his name as Dharamjit Singh while other occupant identified himself as Gurvir Singh and on checking of the truck 180 bags each containing 40 kg of poppy husk were recovered. Lateron, present petitioner was arrested on 29.10.2022.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and was not arrested at the spot and was lateron arrested and is in custody since 29.10.2022. It is further submitted that it will take considerable time for the trial to conclude. The counsel for the petitioner further submits that similarly situated co-accused Shinder Singh who was also convicted in another case, was enlarged on bail by this Court vide order dated 01.12.2020 (Annexure P-3) in CRM-M-31849 of 2020. So, prayer is made that the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who submits that the petitioner is involved in the present case which is relating to recovery of 7200 kgs of poppy husk which was recovered from the truck at the spot and the petitioner and Shinder Singh who were escorting the said truck, managed to escape from the spot. It is further submitted that the petitioner is having criminal history and is also a previous convict. However, the State counsel has not refuted the fact that similarly situated co-accused was granted bail vide order Annexure P-3 by this Court.

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

6. Admittedly, the petitioner was not arrested at the spot and was stated to be travelling in a separate car while the recovery of contraband was effected from a truck. Lateron, the petitioner was arrested by the police on

29.10.2022. The recoveries are already effected in the present case including the car which was alleged to be used by the petitioner. The trial is at its initial stage. The similarly situated co-accused Shinder Singh who is also previous convict is already given concession of regular bail vide order Annexure P-3. Even the driver and other occupant of the truck from which the contraband was recovered are also released on bail by this Court vide orders Annexures P-4 and P-5. It will take considerable time for the trial to conclude. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In light 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 bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.01.2024

Jiten

(KARAMJIT SINGH)
JUDGE

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