



226

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

CRM-M-47861-2024

Date of decision : 03.04.2025

Tejinder Singh @ Dimpy**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Ms. Manjot Kaur, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present fourth petition praying for grant of regular bail to him in case FIR No.5 dated 16.02.2021, under Sections 15, 25, 29 of NDPS Act, 1985, registered at Police Station Mehal Kalan, District Barnala.
2. Succinctly facts of the case are that on 16.02.2021, the police received a secret information to the effect that Tejinder Singh @ Dimpy (petitioner) son of Sukhjot Singh and Dilbagh Singh son of Sukhdev Singh were involved in selling of poppy husk. It was informed that they were bringing huge quantity of poppy husk in their Swift Dzire Car No.PB-04AP-8314 and were waiting in the area of Mehal Kalan for selling the same to their customers. It was informed that if case of barricading, they could be arrested along with the contraband. On receiving the secret information, barricading was laid and the car as disclosed was seen coming. The police party stopped the same and two persons were found in the car. On asking, they disclosed their names to be Tejinder Singh @ Dimpy and another one as Dilbagh Singh. They were suspected to be



carrying some contraband and was given the offer of search. On conducting the search of the car, four polythene bags were recovered from the car. On opening the bags, the same were found to be containing poppy husk and on weighing, each bag was found to be of 20 kg and thus, in total 80 kg poppy husk was recovered from the car. Both the persons failed to produce any license regarding possession of the same and thus, were arrested on the spot. On registration of the FIR, investigation commenced and the samples taken were sent to the FSL. On receiving the FSL report, challan was presented and on framing of the charges, trial commenced. Petitioner approached the Court of learned Special Judge, Barnala praying for grant of bail. However, after hearing counsel for the parties, learned Special Judge, Barnala declined the same vide order dated 17.03.2021. Thereafter, the petitioner approached this Court thrice by way of filing CRM-M-23390-2021 which was dismissed vide order dated 13.05.2022 and thereafter by filing CRM-M-40526-2023 and CRM-M-62502-2023 however, the same were dismissed as withdrawn vide orders dated 24.08.2023 and 25.07.2024 respectively. Hence, petitioner is before this Court by way of filing the present fourth petition.

3. It has been submitted by counsel for the petitioner that petitioner has been falsely implicated in this case. It is submitted that the FIR in the present case has been registered on the basis of secret information. However, there is violation of provisions of Section 42 of the NDPS Act. She further submits that while effecting the alleged recovery, there is violation of Section 50 of the NDPS Act as well. She has submitted that no independent witness has been associated while effecting the recovery. She submits that the similarly situated co-accused Dilbagh



Singh has already been enlarged on bail by this Court vide order dated 25.07.2023 passed in CRM-M-19581-2021. It is submitted that petitioner is behind bars since 26.02.2023 but there is no progress in the trial till date. It is thus, submitted that the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that petitioner was specifically named in the secret information and on due compliance of provisions of Sections 42 and 50 of the NDPS Act, the recovery was effected from the car in which the petitioner along with co-accused was travelling. It is submitted that recovery of 80 kg of poppy husk was effected which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in the present case. He further submits that petitioner was declared proclaimed offender on 21.10.2022 and thereafter, he was arrested on 26.02.2023. He on instructions from ASI Sewa Singh submits that out of 13 prosecution witnesses, 05 witnesses have been examined. He has placed on record the custody certificate of the petitioner and submitted that petitioner is involved in other cases as well and thus, case of the petitioner is not at par with that of the co-accused.

5. After hearing counsel for the parties and perusing the record, it is inferred that the FIR in the present case was registered on the basis of the secret information. On the search of the car, 80 kg of poppy husk was recovered. This Court has already granted bail to co-accused Dilbagh Singh. Though the petitioner was declared proclaimed offender but thereafter, he was arrested on 26.02.2023. As per custody certificate, petitioner has now completed incarceration of 02 years 06 months and 02 days as on 01.04.2025. Custody certificate further reflects that though

petitioner is involved in three other cases however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.04.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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