

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1259 OF 2008
(arising out of SLP(Crl.)No.8061 of 2007)

HARBANS SINGH @ JALANDU

... APPELLANT

VERSUS

STATE OF PUNJAB

... RESPONDENT

ORDER

Leave granted.

An FIR was registered on 6.09.2005 on the complaint of one Santokh Singh that on 5.9.2005 his servant Gurdeep Singh had told him that while putting fodder to the cattle, he had recovered one bag and one small plastic bag from the Turi; that when he checked the said bags, he found that they contained poppy husk; and that on enquiry he came to know that the said bag was kept in his Turi, by his neighbour Duni Khan and one Harbans Singh (the appellant) who was resident of Galib Khurd. The Special Court, Ludhiana rejected the bail sought by Duni Khan and the appellant by order dated 13.7.2006. However, subsequently the High Court by order dated 19.03.2007 granted bail to Duni Khan. The High Court noted that the poppy husk was recovered from the premises of Santokh Singh-the complainant, that there was nothing to connect Duni Khan with the

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recovery, nor any evidence to connect Duni Khan to the poppy husk. The High Court also felt that the allegation that the contraband was placed in Santokh Singh's house by Duni Khan and appellant did not inspire confidence, in spite of the alleged confession before the Panchayat.

We find that the allegations against the appellant are identical with that of Duni Khan. However, the bail application of the appellant was rejected by the High Court on 8.5.2007 and again on 8.8.2007. We are of the view that as the allegations against the appellant being the same as the allegations against Duni Khan and

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(signed order is placed on the file)