

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

**CRM No.M-32127 of 2021 (O&M)
Date of Decision: September 03, 2021**

Harvinder Singh alias Neenu

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Parminder Pal Singh, Advocate
for the petitioner.

Mr.H.S.Sullar, DAG, Punjab
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of COVID-19 pandemic.

The petitioner has filed this second petition under Section 439
Cr.P.C. for seeking regular bail in case FIR No.0148 dated 30.07.2020
under Sections 18, 22 and 29 of the NDPS Act, Police Station Nawanshahr,
District Shaheed Bhagat Singh Nagar.

Heard on the bail petition.

As per prosecution version, in pursuance of secret information,
relating to Ranjit Singh carrying opium in a canter bearing No.PB10-GK-
5530, nakabandi was laid and the canter in question was intercepted. Ranjit
Singh alias Lovely was driving the canter. Harvinder Singh alias Neenu

other occupants of the canter. 100 gram of opium was recovered from the conscious possession of Harinder Singh alias Hind and 150 tablets of Lomotil were recovered from Gurpreet Singh. Besides the same, 3.5 kgs. of opium was recovered from the tool box of the canter in question. Nothing, as such, was recovered from present petitioner Harvinder Singh alias Neenu.

Now, it is submitted by learned counsel for the petitioner that present petitioner has no connection with the alleged recovery of opium or Lomotil tablets. Also, it is submitted that trial is also not making any headway before the trial Court. The petitioner is in custody since 30.07.2020.

On the contrary, learned State counsel has resisted the claim for bail. He submits that at the relevant time, petitioner Harvinder Singh alias Neenu was one of the occupant of the canter, in which commercial quantity of opium was being carried. As such, it is too early to comment about innocence of the petitioner. Also, it is submitted that necessary conditions as laid down in Section 37 of the NDPS Act, do not stand satisfied, for extending benefit of bail to the petitioner.

Undisputedly, the recovery of opium so effected from the canter in question falls under commercial quantity, but however, it is pertinent to mention that said alleged recovery is from the tool box of the canter. The petitioner was though one of the occupant of the canter in question but however, he was neither driver nor owner of the canter in question. The recovery of 3.5 kgs. of opium is allegedly effected from the tool box of the canter. No recovery has been effected from the conscious possession of the petitioner and nothing, as such, is pointed out by learned

carried in the tool box of the canter in question. In these circumstances, it is debatable, as to whether rigors of Section 37 of *ibid* Act are attracted vis-a-vis the petitioner.

The charge in the present case is stated to have been framed on 26.03.2021. There are stated to be 15 witnesses cited in the list of witnesses but till date, no witness, as such, has been examined. The petitioner is in custody since 30.07.2020.

Looking at the aforesaid circumstances and the fact that conclusion of the trial is likely to take considerable time, this Court deem it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

September 03, 2021

Vgulati

Whether speaking/reasoned

Whether reportable

(ARCHANA PURI)

JUDGE

Yes

No