

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227-CRM-M-7270-2023

Date of Decision: 15.02.2023

HARJINDER SINGH

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner

Mr. Mohit Chaudhary, AAG Punjab

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail *qua* Section 25 of the NDPS Act added later on in FIR No.56 dated 14.06.2022, under Section 15 of the NDPS Act (Section 29 added later on), registered at Police Station Bhadso, District Patiala.

Learned counsel for the petitioner contends that vide order dated 10.11.2022 passed in CRM-M-35811-2022, the petitioner was granted the concession of regular bail considering the contradiction in the recovery of contraband i.e. poppy husk which was shown in the FIR to be 10 kgs whereas, it was entered as 37 kgs, on the basis of disclosure statement of the petitioner during investigation.

In the said case, challan stands presented on 31.08.2022, charges have been framed and now the case is fixed for prosecution evidence wherein out of total 15 PWs, none have been examined so far.

After grant of regular bail by this Court, Section 25 of the NDPS Act stands admitted in the instant FIR, which was not in the knowledge of the petitioner on the date when earlier petition came up for hearing which has

been disposed of vide order dated 10.11.2022 passed by this Court. He submits that the petitioner was not released merely on the ground that regular bail granted by this Court did not mention Section 25 of the NDPS Act.

Notice of motion.

On the asking of the Court, Mr. Mohit Chaudhary, AAG Punjab accepts notice, who did not controvert the aforesaid factual aspect and the proceeding before this Court as well and that petitioner has now suffered 8 months and 2 days of custody as on date, as is evident from the custody certificate dated 14.02.2023, which is taken on record.

In view of the above discussion, this petition is allowed and in continuation of the order dated 10.11.2022 passed in CRM-M-35811-2022, it is directed that the petitioner shall be released on bail for the offence punishable under Section 25 of the NDPS Act as well, along with other offences as mentioned in the FIR No.56 dated 14.06.2022, referred to above.

Ordered accordingly.

15.02.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No