

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

240

CRM-M-37555-2023 (O&M)
Date of decision: 08.08.2023

Bhupinder Singh @ Pinda

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. SPS Khaira, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 204 dated 28.05.2023, registered under Sections 15, 27-A and 29 of the NDPS Act, at Police Station Sadar Pehowa, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was neither named in the FIR, nor he was arrested at the spot; that the petitioner was indicted on the disclosure statement of co-accused Gurmeet Singh, who was apprehended with 15 kg of *Poppy Husk*, which falls under the non-commercial quantity; that co-accused Gurmeet Singh has already been enlarged on bail by the learned trial Court; that the said co-accused, in his two disclosure statements recorded on 29.05.2023 and 30.05.2023, stated that the petitioner had paid an amount of Rs.5,000/- to him for 05 kg. of *Poppy Husk* @ Rs.4,000/- per kg. and remaining amount was to be paid after receiving the contraband; that no recovery has been effected from the petitioner; that the petitioner has been in custody since 30.05.2023; that the

charges are yet to be framed; that out of 14 prosecution witnesses, none has been examined so far and that there is no other pending or registered case against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail, submits that co-accused Gurmeet Singh, who was apprehended with 15 kg of *Poppy Husk*, has specifically stated that the contraband was to be delivered to the petitioner for which he had paid Rs.5000/- to him (Gurmeet Singh). However, he does not dispute the custody period of the petitioner and that there is no other pending or registered case against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 30.05.2023. Co-accused Gurmeet Singh, who was apprehended with 15 Kg of *Poppy Husk* and named the petitioner in his disclosure statement, has already been enlarged on bail by the learned trial Court. Charges are yet to be framed. Therefore, the conclusion of the trial would take a long time. Moreover, there is no other registered or pending case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

08.08.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No