

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-42907-2023
Date of Decision.:03.11.2023

Harvinder Singh
Vs.
State of Haryana

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Himani Anand, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.134 dated 02.03.2023 registered under Sections 15 & 18 (Sections 27-A and 29 added later on) of NDPS Act, 1985 registered at Police Station Shahabad, District Kurukshetra.

2. Allegations are that 6.5 kilogram of opium and 10 kilogram of poppy husk was recovered on 02.03.2023 from co-accused Deepak Kumar. Attribution to the petitioner is that he along with Baldev Singh and Manpreet were to receive the delivery of contraband.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that no recovery has been effected from him; that similarly placed co-accused Baldev Singh has already been allowed bail by this Court vide order dated 31.07.2023 passed in CRM-M-20566-2023 (Annexure P-2); that petitioner has no criminal

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antecedents and so, petitioner be allowed bail as trial may take time to conclude.

4. Status report by way of an affidavit dated 06.10.2023 of Shri Randhir Singh, HPS, DSP Shahabd Kurukshetra is already available on file. Custody certificate has been placed on record by learned State counsel.

5. Though learned State counsel could not refute the fact that no recovery was effected from the petitioner and he has no criminal antecedents but bail is opposed on the ground that petitioner has call detail records with main supplier Rajender. However, it is conceded that there is no such connection between the accused Deepak Kumar from whom recovery was effected and the petitioner.

6. Custody certificate reveals that petitioner is in custody for the last 07 months and 29 days with no criminal antecedents. It is also informed that charges have been framed by the Trial Court and out of the total 14 witnesses cited by the prosecution, not even a single witness has been examined so far and thus, trial may take time to conclude.

7. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

November 03, 2023
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No