



CRM-M-11617-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11617-2024

Decided on : 19.09.2024

HARPREET SINGH @ HARRY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yashpal Thakur, Advocate and
Mr. Harwinderjit Singh Sandhu, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 of Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.81 dated 27.07.2023, registered under Sections 15, 25, 51, 85 of NDPS Act, at Police Station Maloud, Police District Khanna, District Ludhiana.

2. Learned counsel for the petitioner *inter alia* submits that allegedly the petitioner was apprehended with 72 Kgs of poppy husk which was recovered from the truck. He also submits that he has been falsely implicated in this case. The petitioner has already undergone an actual custody of 01 year, 01 month and 18 days and he is a man of clean antecedents.

3. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year, 01 month and

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18 days and there is no other case registered against him. He further on instructions submits that the charges were framed on 22.02.2024 and out of 12 prosecution witnesses, only two have been examined till date and four have been given up. He, however, submits that as the trial is progressing, therefore, he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

5. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed in 22.02.2024 and out of 12 prosecution witnesses, only two have been examined till date and four have given up. The petitioner has undergone actual custody of 01 year, 01 month and 18 days and he is not involved in any case under NDPS Act. The conclusion of the trial will take considerable time and further incarceration will not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.



(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

19.09.2024
Kavita

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No