

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16868-2023
Date of decision:-13.09.2024

DALWINDER SINGH @ BINDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
89	12.02.2023	15, 18 of NDPS Act (27-A, 29 of NDPS Act added later on)	Sadar Thanesar, District Kurukshetra

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner was not named in the FIR but was nominated on the alleged disclosure by co-accused Harwinder Singh. He submits that the



petitioner is not having any criminal antecedents and is also not having any concern with the alleged recovery nor he has been indulging in narcotics as alleged, he has been implicated being the owner of the truck. He submits that the petitioner is in custody since 13.02.2023 and trial will take sufficient long time, as such he prays for grant of regular bail to the petitioner.

3. Per contra, learned State counsel, referring to the reply submitted by the State has opposed the bail application by arguing that petitioner is involved in the crime and has referred to the account statement showing transactions between the petitioner and co-accused Harwinder Singh, as such he prays for dismissal of the present petition.

4. After considering the rival contentions and perusing the record, it is admitted fact that the petitioner happens to be the owner of the truck in question wherein Harwinder Singh was appointed as driver and Kulwinder Singh as conductor from whom recovery of 03 kgs of Opium and 1 quintal 15 kgs of Poppy straw were effected and consequent upon their arrest co-accused Harwinder Singh suffered disclosure statement nominating the present petitioner. The petitioner was arrested on 13.02.2023 and since then he is custody, after his arrest no recovery has been effected from him. So far as the account statement is concerned, there is nothing abnormal in transferring an amount by the owner of the truck to the driver which according to learned counsel for the petitioner was for the purpose of purchase of diesel. As per custody certificate dated 25.07.2024 petitioner is not having any criminal antecedents, challan has already been presented in Court wherein prosecution has cited 16 witnesses and till date none of them have been examined, therefore, the conclusion of trial to ascertain criminal



liability, if any, of the petitioner will take sufficient long time.

5. In these circumstances, no purpose would be served by detaining the petitioner any longer in custody, as a result, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

13.09.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |