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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-20911-2024

Date of Decision:- 16.09.2024

HARPAL SINGH @ BHALLU

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

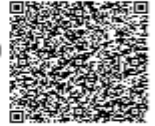
Present:- Mr. Abhishek Khullar, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J. (Oral)h

1. Petitioner – Harpal Singh @ Bhallu has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.25 dated 14.04.2023 under Sections 18 (C), 25, 29 of NDPS Act (Sections 419, 468, 472 of IPC, 1860 added later-on) registered at Police Station Chohla Sahib, District Tarn Taran.

2. As per facts of the case on 14.04.2023 ASI Kulwinder Singh and police party were going on their Bolero vehicle in connection with patrolling duty and checking of suspicious persons. When they reached at T- point Cholla at Fatehabad road, Canter No.PB-02-EC-7410 was stopped in which two young boys were sitting. Driver of Canter disclosed his name as Sukhwinder Singh and the person sitting on conductor seat disclosed his



name as Harpal Singh @ Bhallu. On conducting search of the said Canter as per rules, 2.800 KG of opium was recovered. On the basis of this recovery, present FIR was registered.

3. Learned counsel for petitioner argued that petitioner was arrested on 14.04.2023 and since then he is behind the bars. Trial of this case may take long time. He cannot be kept behind the bars for indefinite time period. After framing of chargesheet, trial of this case is at initial stage. To support his arguments, learned counsel representing petitioner has relied upon the order granting bail by Coordinate Bench in CRM-M-17503-2020 decided on 17.03.2022 vide which petitioners in that case were granted bail by imposing conditions. It is argued that present petitioner is also ready to abide by the terms and conditions of bail order. Therefore, his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State. It is pointed out that it is a case of recovery of commercial quantity of contraband i.e. 2.800 KG of opium. Investigation is already completed and challan has been presented on 11.10.2023. Chargehseet was framed on 17.10.2023. Two prosecution witnesses have been examined whereas two material witnesses are bound down by the trial Court for recording of their examination-in-chief but since they did not appear, their presence has been ordered to be procured throughailable warrants. Considering the quantity of contraband, present petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. It is a case of commercial quantity of recovery of contraband i.e. 2.800 kg opium. Perusal of status report indicates that on completion of investigation, challan was presented on 11.10.2023. Therefore, as for now,



this trial does not fall within the category of old case. Chargesheet was framed on 17.10.2023 and till date, two prosecution witnesses have been examined. Considering huge quantity of contraband and the stringent provision of Section 37 of NDPS Act, I do not find merits in the regular bail application filed by the petitioner and the same is accordingly declined. However, trial Court is directed to record prosecution evidence by giving reasonable short adjournments and expedite the trial.

6. My observations recorded here-in-above shall have no bearings on the merits of the case.

7. Pending application (s) if any also stands disposed of.

16.09.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No