



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

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**CRM-M No.29526 of 2024
Date of decision : 3.7.2024**

Harpreet Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Manjot Kaur, Advocate, for the petitioner

Mr. J.S. Rattu, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

This petition under section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.134 dated 3.9.2023, under Sections 22 and 27 of the NDPS Act, 1985, registered at Police Station Civil Lines, Patiala, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner was only riding the car having been taken a lift wherefrom 125 grams of intoxicant power was recovered from the dash-board, which belongs to Amandeep Singh. The petitioner is nowhere connected to the said contraband as the same was kept in dash-board and he has no knowledge of the same being transported by the co-accused named above.

3. Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. Having gone through the same, it is apparent that the petitioner has incarcerated 9 months and 26 days but it



reflected the petitioner to be involved in multiple 6 cases, but is on bail in 4 cases and in 2 cases he is on production warrants including the one in which he stands acquitted. Custody certificate is perused with the help of Mr. J.S. Rattu, DAG, Punjab.

4. The admitted fact coming forward is that charges were framed in the case on 17.2.2023, and out of 11 prosecution witnesses 3 have been examined and the remaining 8 are yet to be examined which would take certainly long time to conclude the trial whereas the contraband is marginal over and above the commercial quantity as well as not directly in conscious possession of the petitioner, who is simply riding the car and not involved with the co-accused, and accordingly, deserves the concession of regular bail, if cumulatively the facts are taken into account.

5. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

6. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. The petition stands allowed.

(SANDEEP MOUDGIL)

JUDGE

3.7.2024

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No