



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

211

CRM-M-30471-2024

Date of Decision.:05.07.2024

Harmandeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Arora, Advocate
for the petitioner.

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.21 dated 14.02.2023 under Section 21(c), 25, 29 of NDPS Act, 1985 & Section 25 of Arms Act, 1959 (Section 25 of Arms Act, 1959 deleted later on) registered at Police Station City Patti, District Tarn Taran.

2. As per allegations, 1 Kg Heroin and drug money of ₹27,00,000/- were recovered from the possession of co-accused Jaipal Singh on 14.02.2023. In his disclosure statement, said Jaipal Singh nominated the petitioner to be also involved in dealing with the contraband. Earlier petitioner had applied for anticipatory bail before this Court by filing CRM-M-17187-2023 which was dismissed as withdrawn vide order dated

**CRM-M-30471-2024****-2-**

01.08.2023 and then CRM-M-1869-2024 (O&M) which was dismissed vide order dated 25.01.2024. Petitioner then was arrested on 27.03.2024.

3. Learned counsel contends that no recovery has been effected from the petitioner; that he has been falsely implicated on the basis of disclosure statement of co-accused; that he is in custody for the last more than 03 months and so, he be allowed bail.

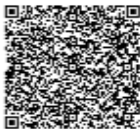
4. Notice of motion.

5. Mr. Eklavya Darshi, DAG, Punjab accepts notice on behalf of respondent- State.

6. Learned State counsel has opposed the bail petition by pointing out that recovered quantity of contraband falls in the commercial category. Learned State counsel also points out towards the custody certificate to reveal that petitioner is involved in three more cases out of which two pertain to NDPS Act. However it is conceded by learned State counsel that no recovery has been effected from the petitioner in the present case. It is also conceded that except for the disclosure statement of the co-accused, no other incriminating material has been found against the petitioner so far.

7. As per the custody certificate, petitioner is in custody for the last 03 months and 06 days. Investigation is still pending. Further investigation/trial may take time to conclude.

8. Having regard to the above facts and circumstances, particularly the fact that no recovery was effected from the petitioner, the involvement of



CRM-M-30471-2024

-3-

the petitioner in other cases cannot be a bar to decline the bail.

9. As such, 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

July 05, 2024
Neetika Tuteja

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