



CRM-M-37085-2022 (O&M)

205.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37085-2022 (O&M)
Date of decision: 02.08.2024

Harnek Singh @ Nekki	 Petitioner
Versus	
State of Punjab	 Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Jashandeep Singh, Advocate for the petitioner.
Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This is second petition that has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.04, dated 08.01.2022, under Section 15 of NDPS Act registered at Police Station Arniwala, District Fazilka. The earlier petition i.e. CRM-M-22201-2022 was dismissed as withdrawn vide order dated 26.05.2022.
2. The case was registered against the petitioner on the basis of secret information received that he was involved in the business of selling poppy husk from Rajasthan and thereafter, he sells the same in the vicinity. On 08.01.2022, he was traveling in vehicle make Bolero Pickup bearing No. PB-05-AN-2207 from village Chimnewala towards his house. He was apprehended and on checking, 54 kg of poppy husk was recovered from his possession.

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3. Learned counsel for the petitioner submits that the alleged recovery is slightly higher than the commercial quantity. There is no evidence or independent witness available on record to prove the alleged recovery from the petitioner. He further submits that the petitioner is only depending upon the transportation of goods and he is the only earning member in his family. The petitioner is in custody since 08.01.2022. The trial of the case is going at slow speed and is not likely to be culminated in the near future. Only one witness out of nine cited witnesses are examined yet.

4. Learned State counsel has though opposed the bail but she has not disputed the custody of the petitioner. She further submits that there was one more case registered against the petitioner under NDPS Act, however in that case he is on bail.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. Keeping in view that the petitioner is in custody since 08.01.2022, the alleged recovery is slightly higher than the commercial quantity, trial in the case will take long time so no useful purpose would be served by keeping the petitioner behind the bars.

7. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction



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of learned Trial Court/Duty Magistrate, concerned, with further condition that the petitioner shall get his mobile number registered in the trial Court for receiving messages through CIS and shall not change his mobile number during pendency of the case. The petitioner shall also get his mobile number registered with the concerned police station. In case petitioner changes his residence, he shall inform the Court concerned about his new address. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

- 8. However, nothing contained hereinabove shall be construed as an expression of opinion on the merits of the case.
- 9. Pending application, if any, shall also stand disposed of.

(GURBIR SINGH)
JUDGE

August 02, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No