



224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35284-2024

Date of Decision: 28.10.2024

HARPREET SINGH ALIAS SONU

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

Through the instant petition filed u/s 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner craves for indulgence of this Court for his being enlarged on regular bail in the 1st bail application in case bearing FIR No.69 dated 08.06.2024 u/s 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, PS Subhanpur, Distt. Kapurthala

2. Learned counsel for the petitioner, submits that the instant FIR has been lodged on the basis of secret information, as the petitioner was arrested carrying 04 kg of poppy husk, which falls within the ambit of non-commercial quantity. He further submits that petitioner has suffered incarceration of 03 month and 07 days as on today.

3. Notice of motion.

4. Mr. Sahil R. Bakshi, AAG, Punjab accepts notice on behalf of respondent-State, and vociferously opposed the asked for relief (*supra*), and has filed custody certificate *qua* the petitioner, which reflects that the



petitioner has suffered incarceration of 03 month and 07 days, as on today. He further submits by referring to the antecedents of the petitioner, as he has earlier involved in four other cases under the NDPS Act, and out of those four cases, he has been convicted in one case. He also informs this Court that the prosecution has cited total 8 witnesses, but none of them have been examined so far.

5. This Court has heard the learned counsel for the parties concerned, and has gone through the entire case file.

6. Considering the nature of allegations, as levelled against the present petitioner, as well as the fact that the recovered contraband falls within the ambit of non-commercial quantity, and the petitioner has suffered incarceration of 03 months and 07 days as on today, coupled with the fact that out of the total 8 witnesses cited in the final report, none has been examined so far, therefore, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, it is clarified that in case in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.



8. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

28.10.2024

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*