



CRM-M-37620-2024

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**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-37620-2024
Decided on : 09.08.2024

Harjinder Singh @ Bittu Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Gagandeep Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.127 dated 09.06.2017 under Section 15 of NDPS Act, 1985 (Sections 467 and 473 IPC added later on) registered at Police Station Lambi District Shri Muktsar Sahib.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; he was not apprehended at the spot along with the co-accused Gurdeep Singh from whom a recovery of 72 kgs of poppy husk was allegedly affected. It has further been submitted that identically placed co-accused Gurwinder Singh, who too was arrested later on, had since been extended the concession of bail by this Court vide order dated 22.03.2018 (Annexure P-3). Learned counsel has also submitted that after the petitioner was arrested on 22.06.2020, challan was presented on 21.09.2020 and charges framed on



04.10.2021, however, till date, only 4 prosecution witnesses out of 19 cited, have been examined. Hence, there is no possibility of the trial concluding in the near future. It has also been submitted that after the petitioner was arrested on 22.06.2020, no recovery of contraband has been affected from the petitioner, which further fortifies his innocence in the crime in question. A prayer has, therefore, been made in the aforementioned facts and circumstances that the petitioner be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Dharampal, has not disputed the stage of trial. However, it has been argued by the learned State counsel that no doubt, the petitioner was not apprehended along with co-accused Gurdeep Singh (driver of the car from which the alleged recovery was affected), however, the petitioner along with co-accused Gurwinder Singh fled away from the spot when the car was intercepted on suspicion by the police. It has further been submitted that the delay in the trial has been on account of the aforementioned fact. It has still further been submitted by the learned State counsel on instructions that the petitioner has criminal antecedents as it is a matter of record that he is involved in total of 6 criminal cases out of which although he stands acquitted in two cases, in other two cases, he is still under trial and in one case he stands convicted, which is under the NDPS Act.

4. I have heard learned counsel for the parties and perused the material placed on record.



5. Challan in the present case was presented almost four years back on 21.09.2020 and as not disputed by the State counsel, on instructions, 15 prosecution witnesses still remain to be examined. Furthermore, after the petitioner was arrested in the present case, no recovery of any contraband much less poppy husk was affected from him. The trial would take considerable time to conclude.

6. In the facts and circumstances as enumerated hereinabove more so, when it is a matter of record that as on date, petitioner is not involved in any other case under NDPS Act, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

09.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No