

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46249-2023
Date of decision:-25.09.2024

BALBIR SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 24.09.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
379	13.07.2023	15, 27-A, 29 (Act No. 61) of Narcotic Drugs and Psychotropic Substances Act 1985.	Sadar Fatehabad, District Fatehabad

3. Arguments heard.



4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case and is in custody since 13.07.2023 and is having no criminal antecedents.. He contends that Sharif Khan and Joginder Singh similarly situated co-accused have already granted concession of regular by this Court vide orders dated 02.08.2024 and 23.08.2024 passed in CRM-M- 36076-2024 and CRM-M-30410-2024 respectively. Hence he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel has opposed the bail application by arguing that huge recovery of 300 kgs Kachra (poppy husk) was effected in the case, as such the petitioner is not entitled for concession of regular bail. However, on query it has been admitted that no recovery of contraband has been effected from the car in which the petitioner was traveling and driven by co-accused Sharif Khan who has since been granted concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that as per the allegations levelled by the prosecution, petitioner was traveling in car No. RJ02-C G-7550 driven by co-accused Sharif Khan. As per Police version this car was allegedly piloting to the car carrying contraband. Admittedly no recovery has been effected from the said car in which the petitioner was traveling and was being driven by said co-accused Sharif Khan. The petitioner is in custody since 13.07.2023 and similarly situated co-accused Sharif Khan driver of the car and Joginder Singh sitting on the conductor side have already been granted concession of regular bail by this Court vide orders dated 02.08.2024 and 23.08.2024 passed in CRM-M- 36076-2024 and CRM-M-30410-2024 respectively. The petitioner also



happens to be the occupants of the same car, where from admittedly no recovery of contraband was effected. The conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time and no purpose would be served by detaining him in custody any longer.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any other case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case..

(SANJIV BERRY)
JUDGE

25.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |