

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

Neutral Citation No. 2024:PHHC:056371
CRM-M-46865-2023
Date of Decision: April 25, 2024

Harinder Singh @ Happy **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Statnam Singh Gill, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.55 dated 21.04.2023, under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Sadar Sangrur, District Sangrur.

2. As per the allegations, on 21.04.2023, petitioner was apprehended with 70 Kg. of poppy husk, contained in two plastic bags. It was a case of chance recovery.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that it is incomprehensible that petitioner was possessing the contraband while sitting under a tree, as is alleged by the police. Learned counsel further contends that petitioner is in custody for the last more than 01 year; that the trial may take time to conclude and so he be allowed bail.

4. Learned State counsel has opposed the bail petition by pointing out towards the criminal antecedents of the petitioner, inasmuch as the petitioner is involved in two more cases, in one of which, he has already

Neutral Citation No. 2024:PHHC:056371
CRM-M-46865-2023

- 2 -

been convicted. Learned State counsel also contends that quantity of contraband as recovered from the petitioner, falls in the commercial category and so rigor of Section 37 of the NDPS Act would not be applicable.

5. As per the custody certificate, petitioner is in custody for the last 01 year and 01 day in the present case. He is under-trial in case FIR No.71 of 2020, under Section 15 of the NDPS Act, registered at Police Station City 1, Sangrur.

6. Learned counsel for the petitioner informs that case FIR No.71 of 2020 pertains to recovery of 4 Kg. of poppy husk, in which he is already on bail. The custody certificate also reveals that the petitioner was earlier convicted in case FIR No.54 dated 22.02.2008, under Section 15 of the NDPS Act, registered at Police Station City Sangrur, in which he was sentenced to undergo rigorous imprisonment for a period of 01 month only with fine of ₹500/-. That sentence was completed way back in May, 2009.

7. Learned State counsel also informs that 12 witnesses have been cited by the prosecution, but none has been examined so far. Thus, trial is likely to take time to conclude.

8. In the aforesaid circumstances, the rigors of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India providing for the fundamental right of the life and liberty, of which the right of speedy trial forms part.

9. Having noticed to all aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing

Neutral Citation No. 2024:PHHC:056371
CRM-M-46865-2023

- 3 -

requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 25, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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