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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46409-2024  
Date of Decision: 29.10.2024

Major Singh  
...Petitioner

Versus

State of Punjab  
...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Madan Sandhu, Advocate  
for the petitioner

Mr. R.S. Thind, DAG Punjab

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KIRTI SINGH, J.(Oral)

This is the second petition filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.297 dated 27.09.2023, under Sections 15 and 29 of NDPS Act, (Section 25 of NDPS Act added later on) registered at Police Station Dera Bassi, District SAS Nagar.

2. Learned counsel for the petitioner submits that allegedly five plastic bags of poppy husk were recovered from the cabin of the truck which was being driven by the petitioner. He further submits that the petitioner has been languishing in jail since 30.09.2023 and there is no likelihood of the trial concluding anytime soon, inasmuch as, out of total 15 prosecution witnesses, only one prosecution witness has been examined till date.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody

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certificate, the petitioner has undergone actual custody of 01 year and 28 days and there is no other criminal case registered against him. He also submits that out of total 15 prosecution witnesses, only one prosecution witness has been examined.

5. Heard the rival submissions made by learned counsel for the parties.

8. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner is in custody since 30.09.2023. Out of total 15 witnesses, only one prosecution witness has been examined till date and further incarceration of the petitioner would not serve any purpose.

9. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
11. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

29.10.2024  
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(KIRTI SINGH)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No