



CRM-M-49239-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(204)

CRM-M-49239-2024
Date of decision:- 19.12.2024

Gursharan Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana

SUVIR SEHGAL, J. (ORAL)

1. This is the sixth petition filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
159	04.06.2021	Sadar Fatehabad, District Fatehabad	18-B of the NDPS Act (Sections 27-A of the NDPS Act was added later on)

2. Version of the prosecution is that during routine patrolling, a police team apprehended Gursharan Singh, present petitioner, on the basis of suspicion. Upon search, he was found to be in possession of 800 grams opium. In his disclosure statement, he named some persons, who have been arraigned as accused and some arrests have been made.

3. Counsel for the petitioner contends that the recovery effected from the petitioner falls within the ambit of intermediate quantity and bar

**CRM-M-49239-2024****-2-**

under Section 37 of the NDPS Act is not applicable. He submits that the mandatory provisions of the NDPS Act have not been complied with and the petitioner is facing agony of trial for more than 3½ years. Counsel asserts that although petitioner is named as an accused in some other criminal cases, but he has been falsely implicated and the allegations pertain to dealing in non-commercial quantity of contraband.

4. Pursuant to the previous order passed by this Court, State counsel has filed status report by way of an affidavit of Deputy Superintendent of Police, Sadar Fatehabad, District Fatehabad, which is taken on record. Referring to the same, Mr. Aman Bahri, Additional Advocate General, Haryana submits that out of fifteen prosecution witnesses, eight witnesses have been examined and two have been given up. He has opposed the petition by highlighting the criminal past of the petitioner and has expressed an apprehension that in case the petitioner is released on bail, he will again indulge in the trade of intoxicants.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner is accused to be in possession of intoxicants, which fall in the non-commercial category. He has been in detention for the last more than 42 months and trial is not likely to conclude in the near future as almost half the witnesses are yet to be examined. As the petitioner has a criminal past, this Court while accepting the prayer made in the petition intends to impose certain conditions.



CRM-M-49239-2024

-3-

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit that henceforth he will not get involved in any illegal activity. He will also report at the Police Station concerned on the first Monday of every month and provide his mobile number, which will be kept activated, to the Investigating Officer/SHO concerned, who will make random calls and keep a check on the activities of the petitioner. In case, petitioner violates any of the conditions, liberty is granted to the State to seek cancellation of bail.

9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

19.12.2024

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No