



CRM-M-60333-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-60333-2023
Date of decision: 24.07.2024

Harmandeep Singh @ Bura
... Petitioner

Vs.

State of Haryana
.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. S.C. Jindal, Advocate for the petitioner.
Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

Instant third petition has been filed under Section 439
Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Section
0067	24.06.2020	Rori, District Sirsa, Haryana	22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

2. Case of the prosecution is that during routine patrolling, a motorcycle with three riders was intercepted. Bhola Singh was driving the motorcycle, whereas Ranjeet Singh and Harmandeep Singh @ Bura (present petitioner) were sitting behind him. Upon search, 1390 tablets, containing salt Tramadol Hydrochloride weighing 1168.99 grams, was recovered from Ranjeet Singh.



3. Counsel for the petitioner submits that no recovery has been effected from the petitioner, who is an innocent pillion rider. He submits that both the other co-accused, including Ranjeet Singh, have been granted regular bail by this Court. He asserts that the petitioner is not involved in any other criminal case involving offence under the NDPS Act and has been in detention for the last more than 2 years and 10 months. He submits that as there is a remote possibility of an early conclusion of the trial, petitioner deserves to be released on bail.

4. Opposing the petition, learned State counsel upon instructions, submits that the petitioner is involved in three other criminal cases. He has filed custody certificate dated 23.07.2024, which is taken on record. He could not dispute that both the co-accused have been released on regular bail by this Court. He has resisted the petition by inviting the attention of the Court to Section 37 of the NPDS Act.

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

6. In **Dheeraj Kumar Shukla Versus The State of Uttar Pradesh**, 2023 SCC Online SC 918, Supreme Court has observed that the rigid condition laid down in Section 37 of the NDPS Act, can be dispensed with where an accused has undergone sufficient long custody. Petitioner has been in detention for the last more than 34 months. Perusal of the custody certificate shows that he is involved in three other cases, out of which he has been convicted in two criminal cases lodged under Section 138 of Negotiable Instruments Act, 1881. The third matter is a complaint case. Perusal of order dated 11.07.2024, passed by this Court



releasing co-accused Ranjeet Singh on regular bail shows that the prosecution is yet to examine eight more witnesses and there is no possibility of the trial coming to the conclusion in the near future. Prayer made in the petition is, therefore, deserves to be accepted.

7. Without adverting to the merits or demerits of the arguments addressed, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.07.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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