



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 61454 of 2024 (O&M)
Date of Decision: 11.12.2024

Harmesh Kumar @ Meshi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ketan Chopra, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. Deputy Advocate General, Punjab
for the respondent.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeks grant of regular bail pending trial in case bearing FIR No. 208 dated 31.10.2023, under Sections 15, 29, 61 & 85 of NDPS Act, registered at Police Station Sadar Khanna, District Ludhiana, wherein he has been implicated on the basis of disclosure statement made by one Baldev Singh being the owner of Truck bearing Regn. No. PB04-AA-7725.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 17.04.2024 and was implicated on the basis of disclosure statement made by co-accused/Baldev Singh from whom the alleged recovery was made; thus prayer is for grant of regular bail to the petitioner.

[3] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while submitting that the petitioner is involved in two more cases of NDPS Act, which relate to non-commercial quantity, though on regular bail in those cases. He, however, submits that considering the fact that the recovery involved in the present case falls under commercial quantity; thus, he does not deserve the concession of regular bail being habitual offender.

[4] I have heard learned counsel for the parties and gone through the paper-book and find substance in the submissions made on behalf of the petitioner.

[5] In the present case, the petitioner is behind the bars since 17.04.2024, i.e. for the last more than eight months; the investigation already stands concluded followed by framing of charges on 04.04.2024 and the conclusion of trial may take some time as only two of the prosecution witnesses have been examined so far. Though, the petitioner is stated to be involved in two more cases under the provision of NDPS Act, however, the same relate to non-commercial quantity, wherein he is already on bail; thus, the rigour of Section 37 of NDPS Act does not apply. Besides it, the implication of petitioner is based on the disclosure statement made by co-accused-Baldev Singh, which is yet to test the scrutiny of trial. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

[6] In view of the above, but 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 Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

December 11, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>