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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-1983-2024
Date of decision:-04.02.2025

HARCHARAN SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gaurav Kalsi, Advocate for the petitioner.

Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 03.02.2025, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
110	27.08.2022	15 & 29 of NDPS Act	Sujanpur, District Pathankot

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that as per allegations the petitioner has been found keeping in



possession poppy husk. He submits that the story put forth by the police is not probable, according to which 6 kgs of poppy husk was recovered from the cabin of the truck driven by him on 27.08.2022 and then on the basis of his disclosure statement another 45 kgs of poppy husk containing in 3 bags in the body of the truck was recovered on 28.08.2022. He submits that the petitioner is in custody since 27.08.2022 and challan has already been presented in Court. He submits that the recovery has been intentionally shown marginally higher just to proclaim the same as commercial quantity. He submits the petitioner is already in custody since 27.08.2022 and the conclusion of trial will take sufficient long time to conclude. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments and prayed for dismissal of the petition, considering the nature and gravity of the offence. However, he has not disputed the fact that the petitioner is in custody since 27.08.2022 and challan has already been present in Court, which pending trial.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 27.08.2022 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date only 3 witnesses have been examined in the learned trial Court. Therefore, keeping in view the assertion made by learned counsel for the petitioner (*supra*) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining petitioner any

longer.

7. Therefore, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

04.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |