

2025.PHHC.008306



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

201

**CRM-M-1882-2025 (O&M).
Date of Decision: 21.01.2025.**

SUKHWINDER SINGH @ JUDGE

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Kamal Narula, Advocate, for the petitioner.

Mr. B.S. Bali, Addl. A.G. Punjab.

VINOD S. BHARDWAJ. J (ORAL)

CRM-1241-2025

Present application filed by the applicant-petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking exemption from filing copy of Aadhaar Card of the petitioner as the petitioner is confined in jail, is allowed as prayed for.

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**Main case**

The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS 2023') for the grant of regular bail in FIR bearing No.160 dated 12.06.2021, under Section 15/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 15 (C) and Section 25 of the NDPS Act added later on) registered at Police Station Fazilka, District Fazilka.

2 Custody certificate filed today in the Court is taken on record.

3 Learned counsel appearing for the petitioner contends that the aforesaid FIR has been registered against the petitioner on the basis of a secret information to the effect that the petitioner is a truck driver and habitual seller of narcotic substance has sold poppy husk to Raj Singh @ Raju after procuring the same from Rajasthan. On the basis of the secret information, the present petitioner was arrested on 12.06.2021 and 60 kilograms of poppy husk was recovered from the truck allegedly being driven by the petitioner. He further contends that in the present FIR, 20 kgs. of poppy husk was recovered from co-accused Raj Singh who has already been granted regular bail by the trial Court vide order dated 15.07.2021. It is also argued that the petitioner has already undergone an actual custody for a period of 03 years, 07 months and 06 days and only seven prosecution witnesses have been examined so far and five prosecution witnesses still remain to be examined. He submits that under the given circumstances, the present petitioner be granted the concession of regular bail.

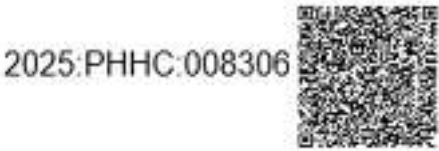
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4 Learned State counsel, on the other hand, contends that petitioner is a habitual offender and that 60 Kgs. of poppy husk was recovered from the truck driven by the petitioner which falls under the commercial quantity. He, however, does not dispute the fact that the petitioner has already undergone actual custody for a period of 03 years, 07 months and 06 days and that so far the prosecution has examined only 07 witnesses whereas 05 prosecution witnesses still remain to be examined and as such, the prosecution evidence has not been concluded. It is also not in dispute that in another case registered vide FIR bearing No.191 dated 14.11.2018, under Section 22 of the NDPS Act, registered at Police Station City-I, Abohar, the petitioner already stands acquitted vide judgment dated 01.10.2024 passed by the Judge Special Court, Fazilka and that except the instant case, there is no other case pending against the petitioner.

5 I have heard the learned counsel appearing on behalf of the respective parties.

6 Taking into consideration the stage of trial and also the actual custody period undergone by the petitioner which is more than 3½ years and that only 07 prosecution witnesses have been examined so far whereas 05 prosecution witnesses still remain to be examined, I am of the opinion that the ends of justice and the mandate of Article 21 of the Constitution of India would be met in case the instant petition is allowed.



7 Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of material available on record.

January 21, 2025
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No