



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

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CRM-M-6942-2025 (O&M)
Date of decision: May 1st, 2025

Bhupinder Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.118 dated 12.08.2020 under Sections 18, 18(c), 27-A, 29, 31 of the NDPS Act (Section 18 deleted and Sections 18(c), 27-A, 29, 31 of the NDPS Act added later on) registered at Police Station Jakhal, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner has been languishing in custody since 14.07.2022 in an apparent case of false implication. It has been asserted that co-accused Kuldeep Singh and Lakhvir Singh were nabbed on suspicion by the police leading to the recovery of 90 grams of opium, which is much less than the minimum classified as commercial and instead, falls within the intermediary quantity. It has been further argued by the counsel that even following the arrest of the petitioner, no recovery of any contraband was made from the petitioner, which further lends credence

to his false implication in the present case and that too, on the basis of an alleged disclosure statement suffered by co-accused Kuldeep Singh and Lakhvir Singh, who claimed that they had procured the recovered contraband from the petitioner. A prayer has, therefore, been made for extending the concession of bail to the petitioner as the possibility of the trial concluding in the near future seems remote with only three prosecution witnesses out of the 20 having been examined so far after a supplementary challan was presented on 07.09.2024.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has placed on record the custody certificate of the petitioner. It has been asserted by the learned State counsel that although the petitioner was not apprehended on the spot and his involvement in the present case surfaced only during investigation when co-accused Kuldeep Singh and Lakhvir Singh suffered a disclosure statement, however, the petitioner has previous criminal antecedents including a conviction in the year 2016 under the NDPS Act. However, learned State counsel, on instructions, has not been able to dispute the stage of trial and has on further instructions, submitted that the next date fixed before the trial Court is 27.05.2025 when some of the remaining 17 prosecution witnesses are likely to be examined.

4. Learned counsel appearing for the petitioner has, however, brought to the notice of this Court that although the petitioner was indeed initially facing trial in three cases under the NDPS Act, however, it is a matter of record that he stands acquitted in one of those cases while in another case, he has since been enlarged on bail and therein

also, the contraband recovered was classified as small under the NDPS Act.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The possibility of the trial concluding in the near future seems remote with only three prosecution witnesses out of the 20 having been examined so far. No recovery of any contraband was effected from the petitioner after he was implicated in the present case following a disclosure statement made by co-accused Kuldeep Singh and Lakhvir Singh; even the alleged recovery of 90 grams of opium classified as intermediary under the NDPS Act.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

May 1st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No