



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

275

CRM-M-15161-2024
Decided on : 08.01.2025

Hardeep Singh alias Haipa

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Kamlesh, Advocate
for the petitioner(s).

Mr. Satjot Singh, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner – Hardeep Singh alias Haipa, who has been booked for having committed the offence punishable under Sections 15, 29, 61 and 85 of the NDPS Act, 1985, in FIR No. 0064, dated 30.09.2023, registered at Police Station Sandaur, District Malerkkotla, during the pendency of trial.

2. Allegation leveled by the prosecution is that petitioner – Hardeep Singh @ Haipa, was found in possession of 60 kg. of poppy-husk, which was found in possession in two bags of 30 kg. each (total 60 kg.). Said bags were lying in the back portion of the vehicle (Tempo – Chhota Hathi) bearing registration No.PB-23M-8105.

3. Counsel for the petitioner submits that quantity recovered from the petitioner is little above the non-commercial quantity and petitioner is not involved in any other case of similar nature. Besides, he is inside jail



since 30th September, 2023 (about 01 year 03 months), and his further incarceration is not worth in this case. Thus, prays for granting the concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel submits that after completion of the investigation, final report has been submitted to the concerned Court, and thereupon, charges have been framed, however, trial is yet to commence.

Besides, he does not dispute the submissions addressed by counsel for the petitioner, as recorded here-above.

5. After considering the submissions of both the sides, perusing the record with their able assistance, and considering the quantity being little more than non-commercial quantity as well as keeping in view the total period of incarceration and the fact that trial is yet to commence, the petitioner cannot be kept behind bars for indefinite period.

6. Consequently, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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

8. The observation made here-in-above 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 evidence available on record.

9. It is further made clear that if in future petitioner is found



indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 08, 2025
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*