

2025:PHHC:053820



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

CRM-M-14055-2025 (O&M)

Reserved on : 25.04.2025

Pronounced on : 30.04.2025

Harpreet Singh @ Hariya

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. S. P. S. Aulakh, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case arising out of FIR No. 26 dated 23.03.2024, registered under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Bhadaur, District Barnala. The first petition, bearing number **CRM-M-59479-2024**, was dismissed by this Court on 27.01.2025.

2. The petitioner has been booked in the aforesaid case and is facing trial therein on the allegations that when a raid was conducted on 23.03.2024 at the house of co-accused Dharam Singh, the petitioner along with co-accused Arshdeep Singh and Harminder Singh was apprehended and recovery of 40 kgs. of poppy husk was effected from the said house. The

2025:PHHC:053820



allegations against the petitioner are that he was involved with the co-accused in sale/purchase of the contraband. Subsequently, on the disclosure of the petitioner, recovery of 60 kgs. of poppy was further effected from a car bearing registration number PB-29-X-2888.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The alleged recovery of 40 kgs. of poppy husk was effected from the present petitioner and above named co-accused. The quantity of the contraband recovered at the first instance does not fall within the commercial quantity. So far as the recovery of 60 kgs. of poppy husk from the aforesaid car is concerned, the petitioner was neither owner of the said car nor it belonged to him at any point of time. Rather, the said car belonged to one Tinkle Garg, who had sold the same to one Lakhwinder Singh on an affidavit, vide Annexure P-4. Hence, the contraband recovered from the said car cannot be connected with the petitioner in any manner. The petitioner is not involved in any other case and has clean criminal antecedents. Investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since long. No useful purpose would be served by keeping him in custody anymore. Co-accused Harmandar Singh @ Fiddu, Amritpal Singh @ Landa and Arshdeep Singh @ Arshi have already been granted concession of regular bail by this Court, vide orders dated 27.01.2025, 01.10.2024 and 19.02.2025 passed in **CRM-M-52371-2024**, **CRM-M-39811-2024** and **CRM-M-65148-2024**, respectively. On the grounds of parity, the petitioner too deserves to be granted the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves

2025:PHHC:053820



to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was nabbed at the spot along with two other co-accused and recovery of 40 kgs. of poppy husk was effected. His story regarding false implication is concocted one. On the disclosure suffered by the petitioner, subsequent recovery of 60 kgs. of poppy husk was effected from the trunk of the said car. Hence, it is urged that the petition is liable to be dismissed.

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

6. As per the allegations, the petitioner along with aforesaid co-accused was involved in the sale/purchase of poppy husk. When the raid was conducted at the house of co-accused Dharma Singh, the petitioner along with co-accused were apprehended at the spot but co-accused Dharam Singh succeeded in running away. At first instance, 40 kgs. of poppy husk was recovered and it was on the disclosure of the petitioner that another recovery of 60 kgs. of poppy husk was effected from the aforesaid car. While dismissing the previous petition, it was noticed that the said car belonged to the petitioner. However, it has transpired that the said car belonged to one Tinkle Garg, who had sold the same on an affidavit to one Lakhwinder Singh. In the previous petition, on the basis of the statement made by learned State counsel, it was observed that the petitioner was involved in some other cases but a perusal of the custody certificate of the petitioner reveals that he is not involved in any other case. The petitioner is

2025:PHHC:053820



in custody since 23.03.2024. The above named co-accused have already been granted the concession of regular bail by this Court. The trial is likely to take time. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

30.04.2025*Wasim Javed***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*