



CRM-M-22080-2024

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

212

CRM-M-22080-2024

Decided on : 23.01.2025

PAWANPREET SINGH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Aditya Dassaur, Advocate,
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed for grant of regular bail to the petitioner – Pawanpreet Singh, aged about 27 years, who has committed the offence punishable under Sections 15(c)/29 of the NDPS Act, 1985, in FIR No.333, dated 18.11.2023, registered at Police Station Uchana, District Jind, during the pendency of trial.

2. Counsel for the petitioner contends that:-

a) there are total 11 bags weighing total quantity of about 220 kgs of poppy husk, which have been recovered;

b) Initially, there were total 6 accused namely (1) Narinderjit, (2) Prabhjot @ Pawan, (3) Sunny, (4) Ashok Kumar, (5) Aslam Masih and (6) Vijay Kumar, who were found sitting on the bags; and one of the co-accused namely Narinderjit was arrested, at the time of raid, on 18.11.2023;

c) name of the petitioner was neither mentioned in the FIR, nor disclosed by any of the arrested accused from the spot on 18.11.2023,



itself. It was only subsequent in time that the disclosure statement has been recorded of one co-accused namely Narinderjit, who named the petitioner on 19.11.2023;

- d) The question of conscious possession is yet to be decided;
- e) Investigation has already been completed and final report has also been submitted along with the list of total 24 prosecution witnesses. Out of total 24 prosecution witnesses only one has been examined, and remaining 23 are yet to be examined.
- f) The completion of trial is likely to take a long time.
- g) Petitioner is never involved in any other similar activity and he is inside jail since 19.11.2023.

3. Thus, counsel for the petitioner prays for grant of regular bail to the petitioner.

4. On the other hand, learned State counsel, while opposing the prayer made by counsel for the petitioner, submits that huge quantity of contraband, which is commercial in nature, has been recovered from the possession of the co-accused of the petitioner. The name of the petitioner has emerged only from the disclosure statement of the co-accused namely Narenderjit, which was recorded subsequent to the registration of the FIR.

5. The status of trial is also confirmed by learned State counsel and by filing the custody certificate of the petitioner dated 21.01.2025, submits that petitioner is inside the jail for an actual period of 1 year and 2 months.



6. However, learned State counsel is not in a position to explain that once, the accused/petitioner is not involved in any other case, for what purpose he is required to be kept inside jail.

7. Considering the aspects and circumstances, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, 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.

8. Needless to observe 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 of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. 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.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

23.01.2025

Lavisha

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