

2025:PHHC:086025



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

315

CRM-M-41060-2023 (O&M)
Date of decision: 16.07.2025

Darshan Singh @ Kala**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Navkaran Singh Sandhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 298 dated 16.11.2021, registered under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Fazilka, District Fazilka.

2. Brief facts of the case relevant for the disposal of the present petition are that on 16.11.2021, on the basis of secret information, the petitioner and co-accused Jaj Singh, while coming in a canter bearing registration number PB-05-AK-7983, were apprehended by a police party and recovery of 90 kgs. of poppy husk was effected from the said canter. During the course of investigation, one Gurmej Singh was also nominated in this case as accused, being owner of the said canter. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial

2025:PHHC:086025



for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 11.03.2022.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. Mandatory provisions of the NDPS Act were not followed. Even otherwise, investigation stands completed and *challan* has been filed. The petitioner is in custody for the last about 03 years, 07 months and 25 days. The trial is substantially delayed as out of 11 prosecution witnesses, only 04 witnesses have been examined so far. Hence, its conclusion would still take time. No useful purpose would be served by keeping him in custody anymore. Similarly situated co-accused Jaj Singh has been granted concession of regular bail by this Court way back on 10.08.2023, vide order of the said date passed in **CRM-M-47561-2022**. On the grounds of parity, the petitioner too deserves the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant 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 the co-accused and recovery of 90 kgs. of poppy husk, which falls under commercial quantity, was effected from their canter. His story regarding false implication is concocted one. He is involved in one more case of similar nature. Trial may be expedited. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable

2025:PHHC:086025



length and have also perused the material placed on record.

6. Admittedly, the similarly situated co-accused Jaj Singh has been granted concession of regular bail by this Court, as mentioned above. A perusal of the custody certificate shows that the petitioner is in custody for the last about 03 years, 07 months and 25 days. The trial is obviously delayed as only 04 prosecution witnesses have been examined so far out of total 11 witnesses. The petitioner is shown to be involved in one more case but he is stated to be on bail in that case. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him 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.

16.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No