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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 31.01.2025

CRM-M-40011-2024

KRISHAN PAL ALIAS KISHANPALPetitioner(s)

VERSUS

STATE OF PUNJABRespondent(s)

CRM-M-50556-2024

VAJINDERPAL ALIAS VIJENDRAPALPetitioner(s)

VERSUS

STATE OF PUNJABRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. R.P. Dhir, Advocate
for the petitioner in CRM-M-40011-2024.

Mr. Rakesh K. Dadwal, Advocate
for the petitioner in CRM-M-50556-2024.

Mr. Amandeep Singh Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of this common order the aforementioned petitions are decided together as both of them have arisen from one FIR.
2. For the sake of brevity, facts are borrowed from CRM-M-40011-2024.
3. The instant petition(s) have been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner(s), who have been

booked for having committed the offences punishable under Sections 18, 29 of the NDPS Act, 1985, in FIR No. 102, dated 19.06.2024, registered at Police Station Bullowal, District Hoshiarpur, during the pendency of trial.

4. Learned counsel for the petitioner(s) jointly submit that recovery of 500 grams of opium has been shown to be recovered from the pocket of *pajama* worn by the petitioner Krishan Pal @ Kishan Pal while he was driving a motorcycle, number of which is not mentioned in the FIR and from the other co-accused namely Vajinderpal @ Vajindrapal 1 kg of opium has been shown to be recovered from the kit bag which he was carrying on his back.

3. Joint arguments are that the quantity recovered from both the accused is total 1.500 kg and, therefore, on individual basis only 500 gram and 1 kg respectively.

4. Further submits that none of the petitioners namely Krishanpal @ Kishanpal and Vajinderpal @ Vajindrapal are found involved earlier in any other similar activity and in the present case they are inside jail since the time of alleged recovery i.e. 19.06.2024. Further submits that the investigation has already been completed without making compliance of all the required provisions of the NDPS Act and a final report has also been submitted along with list of 13 prosecution witnesses. Culmination of the trial is not likely to be there in near future as even the charges are yet to be framed.

5. Petitioner(s) -Krishanpal @ Kishanpal and Vajinderpal @ Vajindrapal are of the age of 24 years and 31 years, respectively and being young persons have been falsely involved in the case, therefore, the long

incarceration inside jail may ruin their future. Thus, learned counsel(s) prays for grant of regular bail.

On the other hand, Mr. Amandeep Singh Samra, AAG, Punjab, submits that both of petitioners are found involved in serious offence and such crimes are on rise in the State of Punjab and their release may get them involved with other drug business people. Therefore, irrespective of the quantity recovered from the petitioners, their prayer for bail is required to be declined.

However, learned State counsel does not dispute that petitioners are inside jail for the last 07 more than months and even the charges are yet to be framed.

6. Considering the circumstances in its entirety and more importantly the fact that both the petitioners are at the prime stage of their life and their indefinite incarceration without proving of the guilt, may prove detriment to their future careers. The young people who are found first time involved in such offences especially with non-commercial quantity, to the view point of this Court, should be afforded a chance to rise up and rehabilitate themselves in the society.

7. In view of the aforementioned reasons, both the petitions are **allowed**. Both petitioners are ordered to be released on bail, subject to their 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. 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.

9. 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.

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(s) stand disposed of.

Photocopy of this order be placed on the file of connected case.

January 31, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No