

CRM-M-41016-2024

2025:PHHC:078081



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

216 (1st case)

**CRM-M-41016-2024
Date of Decision: 02.07.2025**

Sewak Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Sanghi, Advocate
Mr. Himanshu Garg, Advocate
Mr. Saurabh Sharma, Advocate and
Mr. Pradeep Bhardwaj, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for seeking bail pending trial in FIR No. 313 dated 05.09.2023, registered under Sections 15(c), 27(A) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'), at Police Station Kalanwali, District Sirsa.

2. Allegations are that 53 kg of poppy husk (commercial quantity) was recovered from boot of vehicle bearing registration No.GJ-06-DG-3096 which was occupied by petitioner along with other co-accused, namely, Dharmendra Joshi @ Mahadev, Madu Singh @ Maru Singh and Jasbir Singh.



3. Contends that petitioner was granted interim concession by this Court on 08.01.2025. Also contends that driver of the vehicle namely Dharmendra Joshi as well as helper Jasbir Singh along with co-accused Jitender Singh alias Jeetu with similar allegations were granted bail pending trial by Coordinate Bench of this Court, on 08.08.2024 (P-5) and the aforesaid order granting bail to co-accused has not been challenged by State of Haryana. Further contends that petitioner is having no other case pending against him under NDPS Act. Lastly contends that there is no allegation that petitioner is likely to misuse the concession and/or hamper the proceedings in any manner, in case released on bail.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly acknowledged the above factual position, but opposed the prayer on the premise that allegations are serious in nature.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 08.01.2025 and order reads as under:-

“Learned State counsel seeks time to have instructions about the status of other pending cases against the petitioner.

Posted for 10.02.2025.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has fairly acknowledged aforesaid factual position that co-accused namely Dharmendra Joshi, Jasbir Singh and Jitender Singh alias Jeetu with similar allegations were granted bail by Coordinate Bench of this Court way back on 08.08.2024, therefore there is



no justification to keep the matter pending or to deny the concession of bail pending trial to petitioner. It transpires that petitioner is regularly appearing before learned Special Court; there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession and/or hamper the proceedings in any manner.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 08.01.2025, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Special Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

02.07.2025

Ithlesh

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No