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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44331-2024
Date of decision: 17.01.2025

GURMEET SINGH @ MEETU

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

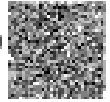
Present:- Mr. D. S. Virk, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in FIR No.264 dated 21.05.2021, under Sections 15-C, 27-A and 29 of the NDPS Act, registered at Police Station City Kaithal, District Kaithal, Haryana.

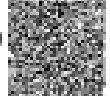
2. Learned counsel for the petitioner submitted that the petitioner is in custody from 17.01.2023, which is about 2 years and only 7 prosecution witnesses have been examined till date, although charges were framed by the learned trial Court on 06.10.2023. He further submitted that the allegations against the petitioner were with regard to recovery of 128 kgs. of *poppy husk* from a Canter, which was driven by a co-accused, namely, Sohan Lal @ Moni @ Dandu and so far as the present petitioner is concerned, he has been



nominated only on the ground that he was the owner of the aforesaid Canter but he was not present in the Canter at the time of incident. He further submitted that as to whether the transportation of 128 kgs. of *poppy husk*, if any, from the aforesaid Canter was with the consent of the petitioner or not can be seen only at the time of trial. He further submitted that considering the aforesaid long custody of the petitioner and the fact that no recovery has been effected from him, the mere fact that he was the owner of the Canter cannot become a ground for denial of regular bail to the petitioner especially considering his custody. He also submitted that the mere fact that the petitioner is involved in three more cases under the NDPS Act, although acquitted in one case, also cannot become a ground for denial of regular bail to the petitioner considering his custody.

3. Learned counsel for the petitioner referred to Annexure P-3, vide which the concession of regular bail has been granted to the aforesaid co-accused, namely, Sohan Lal @ Moni @ Dandu, who was the driver of the Canter and from whose possession the aforesaid recovery was effected and so far as the bar contained under Section 37 of the NDPS Act is concerned, the same will not apply to the petitioner because there was no recovery from him. He further submitted that so far as the application of Sections 27-A and 29 of the NDPS Act is concerned, the same is also to be seen at the time of trial as to whether it was with the consent of the petitioner or not.

4. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has filed status report by way of affidavit of Deputy Superintendent of Police, (HQ) Kaithal in the Court today and the same is taken on record. He submitted that so far as the custody of the petitioner is concerned, the same is correct. He further

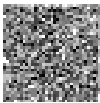


submitted that 7 prosecution witnesses have been examined out of total cited 23 prosecution witnesses and it is a case where although the petitioner was not present in the Canter from where the recovery of 128 kgs. of *poppy husk* was made but he being the owner of the Canter is liable for the same. He also submitted that the petitioner is involved in three more cases under the NDPS Act, although he may have been acquitted in one of the cases.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner is in custody for about 2 years and 7 prosecution witnesses have already been examined. It is a case where the present FIR was registered on the basis of recovery of 128 kgs. of *poppy husk* made from the Canter of the petitioner, which was driven by the aforesaid co-accused, namely, Sohan Lal @ Moni @ Dandu, who has been granted the concession of regular bail by this Court vide Annexure P-3 on 05.09.2023. So far as the petitioner is concerned, he is stated to be owner of the aforesaid Canter and is stated to be involved in three more cases, out of which in one case, he is stated to have been acquitted.

7. After hearing the learned counsel for the parties, this Court is of the considered view that since no recovery was effected from the petitioner but was effected from the Canter, of which he was the owner that itself cannot become a ground for denial of regular bail to the petitioner and the bar contained under Section 37 of the NDPS Act will not be attracted in the present case. More particularly the aforesaid co-accused, namely, Sohan Lal @ Moni @ Dandu, who was driving the Canter and from whose possession the aforesaid recovery was effected has been granted the concession of regular bail by this Court vide



Annexure P-3 and therefore, this Court is of the view that considering the long custody of the petitioner and even on the basis of strong parity, the petitioner deserves the concession of regular bail.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

17.01.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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