

S. No.203

2025:PHHC:105332



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

CRM-M-42922 of 2025

Date of Decision:13.08.2025

Deepinder Yari

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Ajay Pal Singh, Advocate for the petitioner.

Mr. Gauravdeep Singh Dhaliwal, AAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.139 dated 28.09.2023 registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Lalru, District S.A.S. Nagar (Mohali).

2. As per the prosecution case, on 28.09.2023, SI Rajinder Singh alongwith other police officials was patrolling in the area of Police Station in connection with detection of crime and were going on Lalru Mandi slip road towards ITI side, Ambala to Chandigarh side. At the gate of Police Station, Mam Chand joined the police party. At about 7.30 P.M. when they reached near Senior Secondary School, Lalru Bus Stop, two gorkha persons were seen holding the string of a sky blue coloured bag in their hands. On asking, they disclosed their names as Dipender Yari and other person disclosed his name as Harke Budha.



On search of their bag, 04 kgs of Opium was recovered. They could not produce any license or permit for possessing the same. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and has no prior criminal record. It is argued that the alleged recovery of 04 Kgs of Opium has been shown from a bag being carried jointly by the petitioner and one Harke Budha. However, there is no independent witness to the alleged recovery and the entire case is based solely on the statements of police officials. He further contends that no specific role has been attributed to the petitioner other than his presence at the spot, and there is nothing on record to establish the conscious possession of the petitioner over the alleged contraband. Learned counsel for the petitioner further submits that a total of 12 prosecution witnesses have been cited in the list of witnesses, out of which, 04 PWs have been examined till date and the trial is likely to take long time in conclusion and his further detention is not required. Learned counsel further contended that similarly situated co-accused, namely, Harke Budha has been ordered to be released on bail by a co-ordinate Bench of this Court vide order dated 02.05.2025 passed in CRM-M-59505 of 2024 (O&M) and petitioner too is entitled to be released on bail on the ground of parity.

4. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he has opposed the prayer made by learned counsel for the petitioner on the ground that huge quantity of contraband was recovered from the conscious possession of the petitioner, which falls within



the ambit of commercial quantity and as such, the petitioner is not entitled to any relief. However, he could not controvert the fact that the petitioner is a first offender and is not involved in any other case.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 28.09.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 12 prosecution witnesses, 04 PWs have been examined so far. A co-ordinate Bench of this Court vide order dated 02.05.2025 passed in CRM-M-59505 of 2024 has ordered the release of co-ac-cused Harke Budha on bail and petitioner is thus also entitled to be released on bail on the ground of parity.

6. Resultantly, the present petition is allowed and the petitioner is ordered to be released on regular bail during pendency of the trial, on furnishing of bail bond/surety bond to the satisfaction of Trial Court/Duty Magistrate.

7. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(Yashvir Singh Rathor)
Judge

August 13, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No