

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

2025:PHHC:028047



**(219)**

**CRM-M-48993-2024**

**Date of Decision: 27.02.2025**

Major Singh

--Petitioner

Versus

State of Haryana

--Respondent

**CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

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

Mr. Yuvraj Shandilya, AAG, Haryana.

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**MANJARI NEHRU KAUL.J (Oral)**

The petitioner is seeking the concession of regular bail, filed under Section 439 of Cr.P.C., in case FIR No.0145, dated 12.07.2020, under Section 18 of NDPS Act, 1985, registered at Police Station, Cheeka, District Kaithal.

Learned counsel for the petitioner submits that the petitioner has been in custody since 30.08.2022 in an apparent case of false implication; the FIR in question was registered on 12.07.2020 when co-accused Ramesh was allegedly intercepted by the police leading to recovery of 31 kgs of opium. Counsel has submitted that even as per the case of prosecution the petitioner was neither present with the co-accused nor was he in the close vicinity of the place of occurrence. Rather the petitioner came to be nominated as an accused in the present case after almost two years of the alleged recovery and that too on the basis of a disclosure statement allegedly made by another co-accused Pritpal Singh, who during

his interrogation in another criminal case claimed that the petitioner, who was a truck driver was involved in trafficking of opium, which was recovered from the co-accused Ramesh on 12.07.2020. Counsel has contended that the abnormal delay in the alleged disclosure statement raises a big question mark about its authenticity and clearly coupled with the fact that even when the petitioner was arrested on 30.08.2022, no recovery of any contraband was made from him. Still further, it has been asserted by the counsel that co-accused Ramesh from whom 31 kgs of opium was allegedly recovered by the police and other co-accused have already been extended the concession of bail by the Hon'ble Supreme Court. Given this, the petitioner also deserves the concession of bail moreso when the trial is progressing at a slow pace, with only 18 out of 39 prosecution witnesses examined so far, making an early conclusion unlikely.

*Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner, the stage of trial or the fact that the petitioner was implicated in the present case only after about two years based on a disclosure statement made by co-accused Pritpla Singh. It has also not been disputed by the learned State counsel, on instructions that all co-accused including Ramesh and Pritpal Singh have already been granted the concession of bail.

However, learned State counsel submits that 31 kgs of opium was recovered from co-accused Ramesh, who was transporting it from Jharkhand to Punjab. The petitioner's name surfaced during the interrogation of co-accused. Additionally, it has been asserted that the petitioner is facing trial in two other cases under the NDPS Act, and upon

his arrest, while no contraband was recovered, an amount of Rs.17,000/-, (drug money) was seized.

I have heard learned counsel for the parties and examined the material on record.

The petitioner has been in custody since 30.08.2022. Notably, no contraband was recovered from him in the present case, a fact not disputed by learned State counsel, on instructions. All co-accused, including Ramesh from whom the original recovery of 31 kgs. of opium was made, as well as accused Pritpal Singh, whose disclosure statement led to the petitioner's nomination as an accused in the present case, have already been granted bail by the Hon'ble Supreme Court.

The trial is unlikely to conclude in the near future as 21 prosecution witnesses are yet to be examined. Given the long incarceration of the petitioner, and the overall facts and circumstances, this Court deems it fit to admit the petitioner to bail.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)  
JUDGE

27.02.2025

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| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |