

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-50025-2024
Date of Decision: 21.03.2025

HARWINDER SINGH
VERSUS
STATE OF PUNJAB

....Petitioner(s)

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Yashpal Thakur, Advocate for the petitioner.
Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Harwinder Singh, aged 37 years, has filed the instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harwinder Singh	85	13.09.2023	22-C, 61, 85 of NDPS Act	Badali Ala Singh	Fatehgarh Sahib Punjab

2. Learned counsel for the petitioner contends that as per allegations of the prosecution, police party noticed the petitioner and thereupon, he (petitioner) threw the plastic bag, from which 52 strips (total 1025 tablets of Lomotil tablets) were recovered.

Counsel further argues that on analytical examination of the tablets, the salt of Diphenoxylate Hydrochloride and Atropine Sulphate was found, weighing 65.6 grams, which is little more than the maximum of non-commercial quantity 50 grams.



Counsel also submits that petitioner is inside jail since the time of registration of FIR i.e. 13.09.2023. And after investigation of the case, despite submitting of the final report and framing of charges against him, out of total 14 prosecution witnesses, none of the prosecution witnesses has been examined. Counsel further submits that the petitioner has been falsely involved in the case by planting the recovery against him and he is not involved in any other similar activity, except of the present case. Thus prays for grant of bail.

3. On the other hand, on advance notice, learned DAG Punjab in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 20.03.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that till date petitioner has remained inside jail for 01 year 06 months and 04 days and as per custody certificate, he is not involved in any other case. He also does not dispute the fact that out of 14 prosecution witnesses, none has been examined till date.

4. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that petitioner is there inside jail for the last more than 01 year 06 months and trial has not even commenced. The personal liberty of a person cannot be curtailed for an indefinite period, moreover, petitioner is



CRM-M-50025-2024

3

not involved in any other case except of the present one, in which there is a recovery of 1025 tablets of Lomotil tablets) of the salt of Diphenoxylate Hydrochloride and Atropine Sulphate was found, weighing 65.6 grams.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

March 21, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

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