



231-CRM-M-52952-2024

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52952-2024
Date of decision: 03.02.2025

Kuldeep Singh

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kuldeep Siwach, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR. Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
379	13.07.2023	15, 27-A, 29 of the NDPS Act	Sadar Fatehabad, District Fatehabad

2. Heard.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is neither named in the FIR nor any specific *overt act* is attributed to him and as per the allegations the petitioner was sitting in the car going ahead of the Bolero vehicle



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driven by the co-accused, from which recovery of 300 kgs of poppy husk was effected, which is manifestly wrong. He contends that the petitioner had no concern with the alleged recovery nor he has any concern with the persons apprehended along with the vehicle where from recovery has been effected. He contends that the co-accused have already been granted concession of bail vide Annexures P-3 to P-5. Hence, prays for grant of bail.

4. *Per contra*, learned State counsel, referring to the reply dated 15.01.2025, has opposed the grant of bail to the petitioner by arguing that 300 kgs of poppy husk was recovered from Bolero vehicle driven by the co-accused. However, he admitted that no recovery was effected from the car wherein the petitioner was travelling and also that the petitioner was not the driver of the said vehicle. He has referred to the telephonic conversation between the petitioner and the co-accused, Balbir Singh, father of the petitioner, to say that they were in criminal conspiracy.

5. Considering the respective arguments and perusing the record, it is observed that as per the allegations levelled in the FIR, the petitioner was travelling in car number RJ02-CG-7550 which was driven by the co-accused, Sharif Khan. The allegations raised by the prosecution are that this car was being used as a pilot to the Bolero vehicle carrying contraband. Admittedly, the petitioner was not driving the vehicle nor any recovery of contraband was effected. So far as the



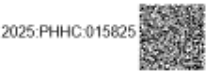
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telephonic conversation alleged by the State is concerned between the petitioner and his father Balbir Singh, that is of no consequence, at this stage, because, admittedly, both of them were sitting in the same vehicle and from that vehicle no contraband was recovered. The petitioner is not having any criminal antecedents and more over, after completion of investigation challan has already been presented in the trial Court, the conclusion of trial in the present case will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face incarceration till the conclusion of trial.

6. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

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



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- 9. Petition stands allowed.
- 10. Pending miscellaneous application, if any, also stands disposed of.

03.02.2025
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |

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