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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-55263-2024
Date of decision:-12.03.2025

BALWINDER SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sudhir Sidhu, Advocate and
 Mr. Mandeep Singla, Advocate for the petitioner.

 Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 11.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 482of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
67	01.03.2024	15 C of NDPS Act	Ellenabad, District Sirsa

3. Arguments heard.

4. 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 no recovery has been effected from the conscious possession of the petitioner. He contends that recovery of 54 kg of poppy husk was allegedly effected from co-accused Parhlad Singh @ Dhakad on the spot. The petitioner was neither present at the spot nor had any concern with the said recovery but the police has falsely implicated him by showing him to had ran away from the spot. He submits that in the present case the police party was duly armed with weapons, and it is improbable for the petitioner to have ran away from the spot. He contends that the petitioner is in custody since 31.05.2024 and no recovery was effected from the petitioner, consequent upon his arrest. After completion of investigation challan has already been presented in Court, wherein prosecution has cited 17 witnesses and till date none of them have been examined, hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by arguing that petitioner alongwith co-accused were found keeping in their conscious possession 54 kg of poppy husk, as such the petitioner does not deserve concession of bail.

6. After considering the rival contentions and perusing the record, it is observed that as per the case of the prosecution, the FIR was registered on the allegations that on 01.03.2024 the police party during patrolling stopped a car and apprehended co-accused Parhlad Singh @ Dhakad and found keeping in his conscious possession 54 kg of poppy husk. As per the case of the prosecution the petitioner was also traveling in the said car and



had ran away from the spot but later apprehended on 31.05.2024. Admittedly, no recovery consequent upon the arrest of the petitioner has been effected from him. Learned counsel has assailed the version of the prosecution qua the petitiorenr having been ran away from the spot which according to him is highly improbable considering the fact that police officials were armed with weapons.

7. Keeping in view the fact that no recovery consequent upon the arrest of the petitioner has been effected in the case and it is debatable, if the petitioner was present at the time of alleged recovery from the co-accused Parhlad Singh @ Dhakad and after completion of investigation, challan has already been presented in court wherein 17 witnesses have been cited by the prosecution and till date none of them have been examined, therefore, the conclusion of trial, will take sufficient long time to conclude, as such, no purpose would be served by detaining the petitioner in custody any longer.

8. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner

9. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail



in accordance with law.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

12.03.2025
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No