

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

**CRM-M-55227-2024 (O&M)
Date of decision: 11.02.2025**

Harmesh Masih @ Mesha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lakshay Bector, Advocate for the petitioner.

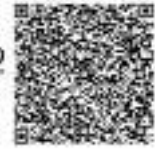
Ms. Avneet, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail pending trial to the petitioner in FIR No.28 dated 24.03.2024, under Sections 21, 27-A & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Fatehgarh Churrian, District Gurdaspur.

(2) Short reply by way of an affidavit dated 11.02.2025 of Sh. Vipin Kumar, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala has been filed and which is taken on record.

2025.PHHC.020012



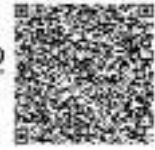
Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

(3) Allegations are that 40 grams of *Heroin* (non-commercial) was recovered from co-accused Charlas Masih and drug money of Rs.51,000/- was recovered from co-accused Bikramjit Singh, who suffered disclosure to the effect that contraband was brought by them from petitioner. On the basis thereof, petitioner was nominated as an accused in the present case.

(4) Contends that petitioner was arrested in the present case on 24.03.2024 and after remaining in custody for about 09 months, was granted interim bail by this Court on 11.12.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned Special Court. Also contends that petitioner has never misused the interim concession; nor there is allegation that he is likely to misuse the concession or hamper the proceedings in any manner. Lastly contends that charges were framed on 23.09.2024; but out of total 15 prosecution witnesses, only 03 have been examined till date; thus, trial will take sufficient long time.

(5) *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly acknowledged the above factual position and submits that petitioner is regularly appearing before learned Special Court. Also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 11.12.2024.

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(6) Heard learned Counsel for the parties and perused the paper-book.

(7) This Court, on 11.12.2024, granted interim bail to the petitioner in following manner:-

“Contends that petitioner is in custody since 24.03.2024; charges were framed by learned trial Court on 23.09.2024; no recovery has been alleged against the petitioner; rather non-commercial contraband i.e 40 grams heroin was allegedly effected from co-accused-Charles Masih.

Learned State counsel seeks time to have instructions about the pendency of other cases against the petitioner.

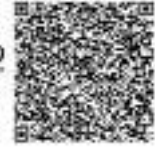
Posted for 11.02.2025.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned.”

(8) Learned State Counsel has duly acknowledged that petitioner is regularly appearing before learned Special Court and there is no allegation that in case interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

(9) Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 11.12.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

2025.PHHC.020012



(10) Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Special Court without seeking any unnecessary adjournment(s).

(11) The above observations be not construed as an expression of opinion on the merits of the case.

(12) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(13) Disposed off accordingly.

Pending application(s), if any, shall also stand disposed off.

11th February, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>