

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

2025:PHHC:026442



(229)

CRM-M-57316-2024

Date of Decision: 24.02.2025

Khushwinder Singh

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Ms. Himani Anand, Advocate for petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 of BNSS, in case FIR No.365, dated 16.10.2023, under Section 15(C), 29, 61, 85 of NDPS Act, registered at Police Station, Pehowa, District Kurukshetra.

Learned counsel for the petitioner has submitted that petitioner, who has no previous criminal antecedents, has been in custody since 16.10.2023 in a case of false implication. It has been further submitted that even otherwise the alleged recovery made from the petitioner i.e. 71 kgs of poppy husk is just marginally higher than the minimum classified as commercial under the Act. Counsel submits that after the challan was presented on 05.03.2024, charges were framed on 02.04.2024, however, till

date none of the 27 prosecution witnesses have been examined and hence on this ground alone petitioner deserves to be extended the concession of bail as the delay in the trial is on account of reasons attributable to the prosecution alone. Counsel has. Counsel has also brought to the notice of this Court that identically placed c-accused Sandeep Singh @ Pappu, who was also allegedly apprehended along with the petitioner on 16.10.2023 had since been extended concession of bail on account of the inordinate delay in trial.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has disputed that after the charges were framed on 02.04.2024, none of the 27 prosecution witnesses have been examined so far. However, learned State counsel has argued that a secret information had been received qua the involvement of the petitioner and the co-accused in drug trafficking pursuant to which recovery of 71 kgs of poppy husk was effected from the petitioner and the co-accused. Learned State counsel, however, has not controverted that petitioner has no previous criminal antecedents.

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

The petitioner has been in custody since 16.10.2023. The trial has come to a virtual standstill after the charges were framed on 02.04.2024, none of the 27 prosecution witnesses have been examined so far. Furthermore, the alleged recovery of 71 kgs of poppy husk, although classified as commercial, is marginally higher than the minimum classified as commercial under the Act.

In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to grant to the petitioner the concession of 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

24.02.2025

lucky

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