



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

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**CRM-M-65098-2024 (O&M)
Date of Decision: 21.04.2025**

Harpal Masih alias Pala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. S.S. Gill, Advocate for the petitioner.

Mr. S.S. Chahal, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for seeking bail pending trial to the petitioner in FIR No. 130 dated 04.10.2023, registered under Sections 15 & 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') [Section 29 NDPS Act added later on], at Police Station Tapa Mandi, District Barnala.

2. Allegations are that 102 kg. poppy husk was recovered from the petitioner and co-accused.

3. Learned counsel for the petitioner contends that petitioner was arrested in the present case on 04.10.2023 and after remaining in custody for about 01 year and 02 months, he was granted interim bail by this Court on 10.01.2025. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned Special Court. Also contends that out of



16 prosecution witnesses, only 08 have been examined till date. Further contends that co-accused, namely, Rupa Masih and Ladi Masih with similar allegations have already been granted bail by the Coordinate Bench on 28.11.2024 and this order was never subject matter of challenge by the State. Lastly contends that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned Special Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 10.01.2025.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 10.01.2025 in the following manner:-

“ Contends that petitioner is in custody since 04.10.2023; out of total 16 prosecution witnesses, only 04 have been examined till date. Specifically contends that co-accused namely Rupa Masih and Ladi Masih with similar allegations have already been granted bail by Co-ordinate Bench of this Court on 28.11.2024 in CRM-M-43914-2024 and CRM-M-58557-2023, respectively.

Learned State counsel seeks time to verify as to whether the order granting bail to above co-accused is under challenge or not.

Posted 18.02.2025.

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.”

7. It is not in dispute that co-accused-Rupa Masih was apprehended on the spot alongwith present petitioner at the time of alleged recovery and he has already been granted concession of bail by the Co-ordinate Bench vide order dated 28.11.2024 (P-2) passed in CRM-M-43914-2024. Again not disputed that bail order of above Rupa Masih has not been



challenged by the State of Punjab till date.

8. Apart that 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. In view of the above, present petition stands disposed off. Interim bail granted to the petitioner, vide order dated 10.01.2025, 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.

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 by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

21.04.2025

Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No