



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

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CRM-M-702-2025

Date of decision: 15.01.2025

SANDEEP SINGH @ PAPPU

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sahil Choudhary, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in this second petition is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.365 dated 16.10.2023 under Sections 15(C), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Pehowa Sadar, District Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 16.10.2023 in a case of false implication. It has been submitted that the petitioner has no previous criminal antecedents which lends credence to his innocence. It has also been asserted by the learned counsel that even though challan was presented on 05.03.2024 followed by framing of charges on 02.04.2024, however till date, none of the 27 prosecution witnesses had been examined. Hence, in the circumstances there was no likelihood of the trial concluding in the near future. It has also been asserted by the learned counsel that the



delay in the trial is for reasons not attributable to the petitioner but to the prosecution and prosecution alone.

3. 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 it been disputed that till date none of the 27 prosecution witnesses have been examined after the charges were framed on 02.04.2024. However, learned State counsel, on instructions, has submitted that a specific secret information was received qua the involvement of the petitioner in drug trafficking pursuant to which 71 Kgs. of poppy husk was made from the petitioner,

4. On a pointed query by the learned State counsel, it has not been disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act.

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

6. The petitioner has been in custody since 16.10.2023. After the previous petition seeking similar relief was withdrawn on 15.07.2024, the trial has not made any headway and since 27 prosecution witnesses have been cited by the prosecution, the trial would definitely take considerable time to conclude. The alleged recovery affected from the petitioner i.e. 71 Kgs. of poppy husk is marginally higher than the minimum classified as commercial under the Act.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. 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.

9. 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.

January 15, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No