

2026.PHHC.054782



CRM-M-10449-2026

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

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CRM-M-10449-2026 (O & M)

Date of decision: 09.04.2026

HARDEV SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. J.S.Dhaliwal, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.198 dated 18.08.2025, registered under Sections 15 and 29 of the NDPS Act, 1985 at Police Station City Phagwara, District Kapurthala.
2. Short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Phagwara, Kapurthala, filed in the Court, is taken on record.
3. Learned counsel contends that the petitioner has been in custody for 7 months and 18 days. He alleges false implication. The alleged recovery of contraband is marginally above the non-commercial quantity, it being 53.5 kgs. poppy husk, that too effected from the bus of which he was the driver, while conductor-Lovepreet Singh has since been

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granted bail by this Court, vide order dated 18.02.2026, after being in custody for about 6 months, Annexure P-3. It is even otherwise debatable whether the petitioner was in conscious possession thereof. No independent witness has been joined at the time of recovery. Challan has been presented on 11.03.2026, however, charges are yet to be framed and there are, in all, 14 PWs. He is not involved in any other case.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband has been recovered from the petitioner, who was apprehended at the spot. However, she is unable to controvert the submissions with regard to stage of the case; the petitioner being not involved in any other case and the co-accused having been enlarged on bail.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 7 months and 18 days; not involved in any other case; co-accused is on bail; challan stands presented on 11.03.2026, but charges have not been framed and there are total 14 PWs; the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial

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Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and

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would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

09.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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