



CRM-M-54937-2025(O&M)

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

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CRM-M-54937-2025(O&M)
Decided on :09.01.2026

Harjinder Singh alias Kala

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. J.S. Thakur, Advocate for the petitioner
(*through video conferencing*)

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No. 137 dated 02.10.2022, under Section 15(c) of NDPS Act (Section 25 of NDPS Act was added later on), registered at Police Station, Lohian, District Jalandhar Rural.

2. As per the case of the prosecution, a Canter bearing registration No. PB-04-AE-5060, make Ashok Leyland, was intercepted by the police party. The said vehicle was being driven by the petitioner. Upon search, one polythene bag containing poppy husk weighing 1 kg 150 grams was recovered from near the gearbox, and another polythene bag containing ₹50,000/- was also found and recovered. Apart from this, several other bags were noticed in the body of the Canter, from which poppy husk weighing 35 kg from each bag was recovered. In this manner,

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a total of 71.150 kg of poppy husk was allegedly recovered from the vehicle being driven by the petitioner.

3. Learned counsel for the petitioner argues that during the course of trial, it would be a moot question as to whether petitioner was in conscious possession of the alleged contraband, which was lying in the cabin as well as in the body of the Canter, that too in separately tied bags. Counsel further submits that the Canter does not belong to the petitioner and that the registered owner of the said vehicle is one Tarlochan Singh Badesha s/o Balwinder Singh, resident of Allalabad, Purbi, Dharamkot, District Moga. Learned counsel also submits that petitioner is in judicial custody since 02.10.2022 and despite such prolonged incarceration, trial has not been concluded. Out of a total of 14 prosecution witnesses, only 02 witnesses have been examined, and that too only their examination-in-chief has been recorded.

4. Learned counsel further contends that though recovery of more than 50 kg of poppy husk falls within the category of commercial quantity, in the present case the recovery exceeds the threshold by only 21.150 kg beyond the maximum non-commercial quantity and, therefore, prays for grant of bail.

5. On the other hand, learned State counsel opposes the prayer of the petitioner and submits that such offences are on the rise and that petitioner is also involved in another case under the provisions of the NDPS Act in the State of Madhya Pradesh.

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6. In response, learned counsel for the petitioner submits that petitioner has already been granted bail in the case registered in the State of Madhya Pradesh and that there is no conviction recorded against him till date. It is argued that mere pendency of another case cannot be a ground to deny the concession of bail in the present matter.

7. I have heard learned counsel for the parties and have carefully perused the paper book along with the documents appended thereto.

8. Considering the fact that petitioner is in custody since 02.10.2022, the trial is progressing at a slow pace inasmuch as only two prosecution witnesses have been examined so far and that too only their examination-in-chief has been recorded, and there is no likelihood of the trial concluding in the near future, this Court is of the considered opinion that further incarceration of the petitioner would not serve any useful purpose. Consequently, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



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10. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

09.01.2026
Rashmi

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