



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

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CRM-M-64105-2024

Date of Decision.:10.02.2025

Harmesh Singh @ Meshi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Raj Kumar Chandana, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (old Section 439 Cr.P.C.) in case FIR No.0196 dated 01.09.2023 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dharamkot, District Moga.

2. This is second petition. The earlier petition bearing No.CRM-M-60998-2023 was dismissed as withdrawn on 14.03.2024 (Annexure P-3).

3. As per allegations, petitioner was found in possession of 50 loose tablets on 01.09.2023. These were taken in possession. On analysis, the salt of the tablets was found to be that of Etizolam with average weight of 128 Mg. Total weight of the tablets was found to 6.4 gms, which is more than double the threshold from which the commercial category starts at 2.5 gms.



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4. It is contended by learned counsel that petitioner has been falsely implicated; that petitioner is in custody for the last more than 01 year and 05 months; that trial is not progressing and that in these circumstances, he be allowed bail.

5. Status report by way of an affidavit of Shri Ramandeep Singh, PPS, Deputy Superintendent of Police, Dharamkot, District Moga along with custody certificate has been filed on behalf of respondent- State.

6. Learned State counsel has opposed the bail petition by pointing out that recovered quantity is more than double the threshold from which the commercial starts. Attention is further drawn towards the custody certificate, as per which petitioner is involved in one more case pertaining to NDPS Act.

7. Heard.

8. As per the custody certificate, petitioner is in custody for the last 01 year 05 months and 06 days. Petitioner was also involved in case FIR No.155 dated 14.09.2012 pertaining to rape but as per the status report filed today, petitioner has since been acquitted in that case. Custody certificate also shows that petitioner is involved in case bearing FIR No.30/2020 registered at Police Station Dharamkot under Section 21/29 of NDPS Act but as per the statement made at bar by learned counsel for the petitioner, petitioner is on bail in that case.

9. Learned State counsel, on instructions from ASI Kuldeep Singh, informs that out of 16 witnesses, cited by the prosecution, only 02 have been examined so far.

10. Having regard to the custody period of the petitioner, which is

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more than 01 year 05 months and the fact that only 02 out of 16 witnesses have been examined so far, it is quite evidence that trial is likely to take long time to conclude.

11. In these circumstances, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

12. As such, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

**(DEEPAK GUPTA)
JUDGE**

February 10, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No