



CRM-M-54164-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-54164-2024 (O&M)****Date of decision : 13.2.2025**

Gurmej Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. K.S.Brar, Advocate,  
for the petitioner.

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**KARAMJIT SINGH, J. (Oral)**

Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.298 dated 16.11.2021 registered under Sections 15, 25, 27, 27-C, 29 of NDPS Act at Police Station Sadar Fazilka, District Fazilka.

2. The allegations in nutshell are that on the basis of the secret information, the police recovered 90 kg. of poppy husk from Tata Canter No.PB05-AK-7983 on 16.11.2021. Darshan Singh and Jaj Singh were arrested from the spot as they were found travelling in the aforesaid canter at the time of the recovery. The present petitioner has been nominated as accused on the ground that he was owner of the aforesaid vehicle at the relevant time. Later on, he was arrested in this case.

3. Counsel for the petitioner, *inter alia*, submits that the aforesaid contraband was being transported by Darshan Singh and Jaj Singh in Canter



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No.PB05-AK-7983 without knowledge of the present petitioner who is owner of the said vehicle. It is further submitted that the petitioner is in custody for the last more than 5 months and is having no criminal history under NDPS Act or IPC. Counsel for the petitioner further submits that it will take time for the trial to conclude. It is a subject matter of trial as to whether the petitioner was having mental state with respect to the act alleged to be committed by him; that in the given circumstances, no purpose is going to be served by prolonging the judicial custody of the present petitioner.

4. Present petition is resisted by the State counsel who submits that the present petitioner is implicated as accused on the ground that he was owner of the vehicle which was used for transportation of the contraband and that he was also indulging in sale of the contraband. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 5 months and is not involved in any other criminal case under NDPS Act and that till date, only 4 witnesses out of total 19 witnesses are examined on behalf of the prosecution.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, during investigation, no contraband was recovered from conscious possession of the petitioner who was owner of the vehicle which was used for transportation of the contraband by co-accused Darshan Singh and Jaj Singh. The petitioner is incarcerated for the last 5 months and is having no criminal antecedents under NDPS Act. Even one of the accused namely Jaj Singh who was apprehended at the spot is already given concession of regular bail by Coordinate Bench of this Court vide order



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dated 10.8.2023 (Annexure P-2). In the given circumstances, as there is no other evidence available on record with the police against the present petitioner except for his ownership with regard to the vehicle in question, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**( KARAMJIT SINGH )**  
**JUDGE**

February 13, 2025  
Paritosh Kumar

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