

2025:PHHC:044194



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

215 (02 cases)

**1. CRM-M-5442-2024 (O&M)**

**Nanak Singh**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**2. CRM-M-41934-2024 (O&M)**

**Harwinder Singh**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**Date of decision : 02.04.2025**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vinod Bhardwaj, Advocate  
for the petitioners.

Mrs. Sheenu Sura, DAG, Haryana.

**MANISHA BATRA, J. (Oral)**

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar reliefs.

2. Prayer in these petitions, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioners in FIR No. 0377 dated 02.06.2023, registered under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Assandh, District Karnal.

3. Brief facts of the case relevant for the disposal of the present petition are that on 02.06.2023, on the basis of a secret information, the petitioners, while coming in a container bearing registration number HR-38Y-

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0962, were apprehended by the police party and recovery of 67.3 kgs. of doda post was effected from them. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioners are facing trial for commission of aforementioned offences.

4. Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in this case. Earlier also, the petitioners were falsely implicated in a case under the provisions of IPC. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner and co-accused, was planted by the police officials. The story put forth by the police party is concocted one. Mandatory provisions of the NDPS Act were not complied with. The petitioners are not involved in any other case of similar nature. Even otherwise, Investigation has since been completed and *challan* has been presented. The trial is likely to take time. The petitioners are in custody since 02.06.2023. No useful purpose would be served by keeping them in custody anymore. It is, therefore, urged that the petitions deserve to be allowed.

5. Separate status reports have been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioners are not entitled to get benefit of bail as they were apprehended by the police party at the spot and recovery of huge quantity of poppy straw was effected from them. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed. It is submitted that since a commercial quantity of the contraband has been recovered from the petitioners, the rigors of Section 37 of the NDPS Act would be attracted against them. Trial is going at a proper pace. It is also argued that if the petitioners are released on

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bail, they may abscond or indulge in the similar offences. It is, thus, argued that the petitions are liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

7. As per the allegations, the petitioners were apprehended by the police party on 02.06.2023 and recovery of 67.3 kgs. of doda post (poppy straw) was effected from them, quantity of which falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioners as there is nothing on record to believe that they did not commit the subject crime or would not indulge in similar offences in case they are granted concession of bail. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding bail petitions filed under Section 439 of Cr.P.C. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioners, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioners do not deserve to be granted benefit of regular bail, at this stage. Hence, the petitions are dismissed.

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8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petitions and the same shall not be construed as an expression of opinion on the merits of the case.
9. Let a photocopy of this order be placed on the file of the connected case.

**02.04.2025**

*Wasim Jaisuri*

**(MANISHA BATRA)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*