

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

216

**CRM-M-1953-2023
Date of decision: 18.01.2023**

Hari Chand @ Ghoka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.0111 dated 15.07.2022 lodged under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was nominated as an accused pursuant to a disclosure statement made by co-accused Harpreet Singh from whom recovery of 100 kgs. of poppy husk was effected. Learned counsel submits that the petitioner is not a man of criminal antecedents and even after he was nominated as an accused in the case in hand, no recovery of any contraband much less of poppy husk was effected from him. He submits that the petitioner has now been in custody since 04.10.2022 and there is no likelihood of the trial concluding in the near future as charges are

likely to be framed only on the next date of hearing i.e. 21.02.2023. A prayer has, therefore, been made to extend the concession of bail to the petitioner as his further incarceration in the circumstances, would not serve any useful purpose when investigation has been completed.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions from HC Sukhdeep Singh, has not been able to dispute the factual aspect of the submissions made by the counsel opposite with respect to he having been nominated as an accused on the basis of a disclosure statement of the co-accused coupled with the fact that no recovery whatsoever of any contraband was effected from him. Learned State counsel has also conceded that the petitioner does not have any criminal antecedents and is not involved in any other criminal case much less under the NDPS Act.

I have heard learned counsel for the parties and perused the material placed on record.

In the facts and circumstances as enumerated hereinabove particularly as the trial is unlikely to conclude in the near future, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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