

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

CRM-M No.9882 of 2023

Date of decision: 1st March, 2023

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Puri, Advocate for the petitioner.

Mr. Sanish Girdhar, Assistant Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.131 dated 19.05.2022 under Sections 22/27A/29/61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Patran, District Patiala.

While drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, learned counsel for the petitioner inter alia contends that it was pursuant to a secret information, two persons i.e. Bikkar Singh and Bhupinder Singh were nabbed by the police and from their personal search, recovery of 17500 tablets of Tramwel SR 100 (commercial quantity) was effected. Thereafter, the above mentioned co-accused suffered a disclosure statement to the effect that they had been selling contraband to the

petitioner as well. Learned counsel submits that no recovery of any contraband much less Tramwel tablets was effected from the petitioner, which further lent credence to his false implication in the FIR in question. The petitioner has been in custody since 01.08.2022 and there is no likelihood of the trial concluding in the near future as prosecution evidence has not yet commenced. Learned counsel thus submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert the factual aspect of the role attributed to the petitioner in the crime in question. He has also not controverted that no recovery of any contraband, much less Tramwel, was effected from the petitioner. Learned State counsel however, submits that the petitioner is involved in two other cases of similar nature under the NDPS Act involving recovery of non-commercial quantity of contraband, in which he is on bail.

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

The petitioner has been in custody since 01.08.2022 and there is no likelihood of the trial concluding in the near future as prosecution evidence is yet to commence. In the facts and circumstances, as enumerated hereinabove, more so, since the petitioner was nominated as an accused pursuant to a disclosure

any contraband was effected from him, this Court thus deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 1, 2023
rps

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