

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-11211-2022

Date of decision: 27.07.2023

Gurpreet Singh alias Laddi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.174 dated 24.06.2021 under Section 15(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that a false case has been planted upon the petitioner on the allegations that when he was travelling along with co-accused Harmeet Singh in a car bearing No.PB-53C-4760 recovery of 170 kgs of poppy husk was effected from its boot. Learned counsel submits that neither was the petitioner owner of the vehicle in question nor is he involved in any other criminal case much less under the NDPS Act which clearly hints towards his false implication in the case in hand. It has further been submitted that the petitioner has been in custody for more than 02 years having been arrested on 24.06.2021 and after the charges were framed on

10.01.2022 none of the 21 prosecution witnesses have been examined till date. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose, moreso, when the delay in the trial has not been on account of any reason which could be attributed to him.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions, has not been able to dispute that the alleged recovery of 170 kgs of poppy husk was effected from a car which did not belong to the petitioner and still further the petitioner is not involved in any other case under the NDPS Act. He has also not been able to dispute that the trial has come to a virtual standstill as none of the 21 prosecution witnesses have been examined after the charges were framed on 10.01.2022. He, however, submits on instructions that the recovery effected from the vehicle which was being driven by co-accused Harmeet Singh falls under the commercial quantity.

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

5. The petitioner has been in custody for more than 02 years and the trial has not made much progress, for reasons, as also not disputed by the learned State counsel, not attributable to the petitioner. He is not shown to be involved in any other case much less under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

27.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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