

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-17394-2021

Date of decision: 19.05.2023

Gurdhian Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.001 dated 01.01.2021 under Sections 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City Muktsar, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand and a recovery of 23 bottles of Wincerex containing Codeine Phosphate salt was found to have been effected from the petitioner. Learned counsel further submits that the recovered contraband is marginally higher than the minimum prescribed under the commercial quantity in the NDPS Act. It has also been submitted that the petitioner has been in custody since 01.01.2021 and the trial shall take considerable time to conclude as only 04 out of the 15 prosecution witnesses cited have been

examined till date.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, submits that it was a case of chance recovery wherein 23 bottles of Wincerex containing Codeine Phosphate salt were found in the conscious possession of the petitioner. He, on further instructions, has not been able to dispute that only 04 out of the 15 prosecution witnesses have been examined till date, however, he submits that the next date before the Trial Court is 07.06.2023 when some more prosecution witnesses are likely to be examined.

4. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he, on instructions, has apprised the Court that the petitioner does not have any criminal antecedents much less being involved in any other case under the NDPS Act.

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

6. The petitioner has been in custody for more than 02 years having been arrested on 01.01.2021 and the trial shall take considerable time to conclude as 11 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner.

7. 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.

8. 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.

19.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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