

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-16382-2023

Date of decision: 08.08.2023

Hardev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. I.P.S. Sabharwal, DAG, 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.146 dated 30.12.2022 under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Chabbewal, District Hoshiarpur.

2. Learned counsel for the petitioner at the outset has drawn the attention of this Court to the allegations levelled in the FIR. He submits that a perusal of the same reveals that the petitioner was apprehended on the basis of a mere suspicion as he was standing in close proximity to the truck from which a recovery of 54 kgs of poppy husk was effected. He submits that it was a matter of record that co-accused Jujhar Singh was sitting in the truck when the alleged recovery was effected and still further the truck from which the recovery of the contraband was effected was neither owned by the petitioner nor was he working on the said truck as a driver or a cleaner. He further submits

that after the charges were framed on 01.08.2023, none of the 14 prosecution witnesses have been examined and hence there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that no doubt the petitioner was not sitting in the truck and it was a case of chance recovery, however, as soon as the petitioner saw the police party, he tried to escape from the spot from which it could be discerned that he was also involved in the sale of narcotic substances. He has further submitted that there is one more case under the NDPS Act registered against the petitioner, however, in the said case a recovery of 10 intoxicant tablets, ₹500/- and 38 bidis was effected.

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

5. The recovery effected is marginally higher than the minimum prescribed under the commercial quantity. The petitioner has been in custody since 30.12.2022 and investigation stands completed. The trial is unlikely to conclude in the near future as prosecution examination is likely to commence on 22.08.2023. 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

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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.

08.08.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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