

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17620 of 2023 (O&M)
Date of decision: 13th July, 2023

Arshdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanisth Ganeriwala, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.10 dated 11.01.2023 under Sections 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27, 27A of NDPS Act added later on) registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner inter alia submits that a false recovery of 680 grams of Opium (non-commercial) has been planted upon the petitioner along with ₹ 1.00 lakh, alleged drug money. He submits that it was a matter of record that a sum of about ₹ 1.00 lakh was transferred by his father just two months prior to the alleged recovery for purchasing cattle and thereafter, the money was withdrawn on various dates for the said purpose. Learned counsel submits that it is also a matter of record that the petitioner is running a dairy farm and

that the false implication of the petitioner finds further credence from the fact that he does not have any criminal antecedents, much less of being involved in any other case under the NDPS Act. It has lastly been submitted that since investigation is complete and charges have also been framed, further incarceration of the petitioner would serve no useful purpose, as the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not been able to controvert that the petitioner is not involved in any other case under the NDPS Act. He however, submits that though the recovered contraband fell under the non-commercial quantity, a sum of ₹ 1.00 lakh too had been recovered from the possession of the petitioner, which was drug money. Learned State counsel submits that the petitioner seemingly is a drug addict, as he tested positive during his dope test. He further submits that it would be a matter of trial as to whether the money recovered from the possession of the petitioner was drug money or the money withdrawn by him to purchase cattle. Learned State counsel submits that the next date of hearing fixed before the trial Court is 13.07.2023, i.e. today, when the prosecution evidence is likely to commence.

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

5. The petitioner has been in custody since 14.01.2023 and after the charges were framed on 11.05.2023, none of the 15

prosecution witnesses have been examined so far, hence there is no likelihood of the trial concluding in the near future. The petitioner is not stated to be involved in any other criminal case, much less under the NDPS Act. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. 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 observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

July 13, 2023
rps

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