

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

CRM-M No.18553 of 2023
Date of decision: 14th July, 2023

Sandeep Kumar @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dheeraj Mahajan, 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.65 dated 24.05.2021 under Sections 21, 22(C), 61, 85, 29A of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner inter alia submits that as per the FIR, which was registered on 24.05.2021, recovery of 5500 intoxicant tablets was effected from a vehicle which was lying abandoned at a thoroughfare. Four days later, on the basis of a DDR recorded, the petitioner was implicated in the case in hand as two mobile phones were found in the aforesaid vehicle along with one SIM card, which was issued in the name of the petitioner. Learned counsel

submits that the vehicle, from which the alleged recovery was effected, was not in the name of the petitioner, but was in the name of one Jaswinder Singh, who had not even been made an accused in the FIR in question. He submits that it is, thus, evident that the petitioner has been falsely implicated in the case in hand, without there being any cogent evidence to link him with the alleged recovery. It has been further submitted that the petitioner is not involved in any other case under the NDPS Act and after the charges were framed on 11.02.2022, the trial has come to a virtual stand still as none of the 14 prosecution witnesses cited, has been examined so far. A prayer has, therefore, been made to extend the concession of bail to the petitioner in the aforementioned facts and circumstances as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Malkit Singh has not been able to dispute the factual aspect of the submissions made qua the vehicle not being in the name of the petitioner and the petitioner having been nominated as an accused only on the basis of one SIM card, which was recovered from the abandoned vehicle. Learned State counsel on further instructions, has not been able to dispute that the petitioner is not involved in any other case under the NDPS Act and still further, after the charges were framed on 11.02.2022, the trial has not proceeded any further.

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

5. The petitioner has now been in custody since 12.06.2021 and there is no likelihood of the trial concluding in the near future as none of the 14 prosecution witnesses have been examined so far. 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 14, 2023
rps

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