

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

CRM-M No.18716 of 2023
Date of decision: 1st August, 2023

Paramjeet Singh @ Pamma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Singla, Advocate for the petitioner.

Mr. P.S. Grewal, 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.134 dated 04.12.2002 under Sections 15, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Raikot, District Ludhiana.

2. Learned counsel for the petitioner inter alia submits that co-accused Kuldeep Sharma, who too was named in the secret information by the police, had already faced trial and earned an acquittal by the trial Court. Learned counsel further submits that as per the case of the prosecution, the petitioner fled away from the spot on seeing the police party and thereafter, the alleged recovery of 53 bags containing 1850 kgs of poppy husk was effected from the truck which was lying parked on one side of the road. Learned counsel submits that it was a matter of

record that the petitioner was not even registered owner of the said truck but had been working as a driver only. He submits that the petitioner has now been in custody for more than one year, having been arrested on 30.01.2022 and only one out of 14 prosecution witnesses cited, has been examined till date. Hence, the trial is unlikely to conclude in the near future. It has also been submitted that the false implication of the petitioner in the case in hand is evident from the fact that he has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act. A prayer has, therefore, been made for extending the concession of bail to the petitioner, 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, submits that no doubt the petitioner was not apprehended at the spot, however, he had fled away and remained absconding, as a result of which he was declared as a proclaimed offender. Learned State counsel, on instructions, has not disputed that similarly placed co-accused Kuldeep Sharma, who too allegedly fled away from the spot and was named in the secret information, had since been acquitted by the trial Court.

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 30.01.2022. Trial is unlikely to conclude in the near future as only 1 out of 14 prosecution witness cited stands examined till date. As per the

instructions received by the learned State counsel, the petitioner has clean antecedents and is not 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

August 1, 2023
rps

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