

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-23885-2023

Date of decision: 09.08.2023

Puneet Singh @ Daman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Amit Rana, Sr. 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.370 dated 23.12.2022 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station Rama Mandi, District Jalandhar Commissionerate.

2. Status report by way of affidavit of Nirmal Singh (PPS), Assistant Commissioner of police Central, Jalandhar, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been handed over to the counsel opposite.

3. Learned counsel for the petitioner inter alia contends that co-accused Prince and Tarun were apprehended by a police party on suspicion and a recovery of 400 grams of heroin was effected from a bag which co-accused Tarun was carrying on his lap in a car. Learned counsel submits that it was a day later a disclosure statement was

allegedly suffered by co-accused Tarun wherein he nominated the petitioner as an accused and stated that he had procured the contraband from him. Learned counsel submits that it was evidently a case of false implication as the petitioner has clean antecedents and is not involved in any other criminal case much less a case under the NDPS Act. It has further been submitted that the petitioner has been in custody since 24.12.2022 and after the charges were framed on 29.07.2023 none of the 15 prosecution witnesses have been examined till date, hence, there is no likelihood of the trial concluding any time in the near future. A prayer has, therefore, been made to extend the concession of bail to the petitioner.

4. Per contra, learned State counsel has opposed the prayer and submissions made by the counsel opposite. Learned State counsel, on instructions from ASI Mohan Lal, has not disputed that the petitioner was not accompanying co-accused Prince and Tarun when recovery of 400 grams of heroin was effected, however, he submits that recovery of 10 grams was effected after the petitioner was arrested pursuant to the disclosure statement suffered by co-accused Tarun. Learned State counsel has, however, not been able to dispute that the petitioner is not involved in any other criminal case much less a case under the NDPS Act.

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

6. Recovery of 10 grams of heroin was allegedly effected from the petitioner after he was nominated as an accused in the disclosure statement of co-accused. In the facts and circumstances as

enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as the trial would take some time to conclude.

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.

09.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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