

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-31512-2022

Date of decision: 19.07.2023

Jaspreet Singh @ Preet

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anurag Arora, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0160 dated 11.07.2021 under Sections 22-25-29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Sections 21-C-61-85 of the NDPS Act added lateron) registered at Police Station Cantonment, District Police Commissionerate.

2. Learned counsel for the petitioner inter alia contends that after the petitioner was arrested on 11.07.021, the trial had been proceeding at a slow pace as only 01 out of the 14 prosecution witnesses cited has been examined till date. Learned counsel submits that even otherwise though there was an alleged secret information received against the petitioner and the co-accused, however, in the disclosure statement suffered by the co-accused who was apprehended along with the petitioner, he had nowhere stated that the alleged recovery (290 grams of heroin) had ever been purchased from the

petitioner. In support, learned counsel has drawn the attention of this Court to the disclosure statement by contending that it stands reflected therein that the co-accused had categorically admitted to be a drug addict and it had only been stated that he had borrowed some heroin from the petitioner, and furthermore qua the procurement of the recovered substance he had stated that he had purchased it from one Mangal Singh who was not even named as an accused in the case in hand. Learned counsel also submits that there is no cogent evidence to connect the petitioner with the alleged recovery which is just marginally higher than the minimum prescribed under the commercial quantity under the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions, has not been able to dispute that after the charges were framed on 07.05.2022, only 01 out of the 14 prosecution witnesses cited stand examined. However, it has not been disputed that the petitioner is not involved in any other case under the NDPS Act.

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

5. The petitioner is in custody since 11.07.2021. The recovered substance i.e. 290 grams of heroin is just marginally higher than the minimum prescribed under the commercial quantity in the NDPS Act. Only 01 out of the 14 prosecution witnesses stand examined till date, hence, the trial is will take some time to conclude. Therefore, this Court deems it fit to extend the concession of bail to the petitioner.

6. In the facts and circumstances as enumerated hereinabove,

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.

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.

19.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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