

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230-2

CRM-M-29759-2023

Date of decision: 18.07.2023

Gurvinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Jain, 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 Code of Criminal Procedure, 1973 in case FIR No.0117 dated 11.04.2023 under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Sections 25, 27-A and 29 of the NDPS Act added lateron) registered at Police Station City Kharar, District SAS Nagar (Mohali).

2. Learned counsel for the petitioner *inter alia* contends that in a case of chance recovery, 30 grams of cocaine (non-commercial quantity) was allegedly recovered from the driver's seat in the car, in which the petitioner was travelling along with the co-accused. Learned counsel submits that the petitioner has now been in custody since 11.04.2023 and investigation is complete as challan stands presented. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. It has been further submitted that the car was not even in the name

of the petitioner and hence there was no cogent evidence to link him with the alleged recovery.

3. Per contra, learned State counsel on instructions from ASI Surjit Singh, has not been able to dispute that the petitioner is not involved in any other criminal case much less a case under the NDPS Act.

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

5. The petitioner has been in custody since 11.04.2023 and investigation in the case is complete as challan stands presented. The recovered contraband falls under the non-commercial quantity. Since the trial will take considerable time to conclude, further incarceration of the petitioner would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner.

6. 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.

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.

18.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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