

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

221

2023:PHHC:161316

CRM-M-35321-2023

Date of decision: December 14, 2023

Fuman Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Khiva, Advocate
for the petitioner.

Ms. Mohit Kapoor, AAG, Punjab
for respondent No.1-State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking concession of regular bail in FIR No.53 dated 29.03.2023 under Section 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dharamkot, District Moga.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon him for having been found in possession of 2.5 gram heroine along with 50 loose tablets of Etizolam. It has been submitted that after the petitioner was apprehended along with the alleged aforesaid recovery on 29.03.2023, the challan had been presented and charges framed, however, none of the 11 prosecution witnesses had been examined so far. Learned counsel has further submitted that the alleged recovery has been classified as non-commercial under the Act and hence, in the circumstances, more so since there is no pending criminal case against him, he be enlarged on bail.

3. Learned State counsel while opposing the prayer and

submissions made by the counsel opposite has not disputed that investigation in the case in hand is complete and even the charges stand framed. It has also not been disputed that there is no criminal case registered against the petitioner as on date. Learned State counsel has further informed the Court that 11 prosecution witnesses have been cited and the prosecution evidence is likely to commence on the next date of hearing i.e. 17.01.2024.

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

5. In the facts and circumstance as enumerated hereinabove, this Court deems it fit to allow the instant petition as the trial would take considerable time to conclude.

6. Accordingly, the instant petition is allowed. 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 14, 2023

ps

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No