

Neutral Citation No.2023:PHHC:158786

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37312 of 2023 (O&M)
Date of decision : 12.12.2023

...

Davinder Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shubham Goyal, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General,
Punjab, for the respondent/State

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MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail under Section 439 Cr.P.C., in case FIR No.33 dated 30.3.2023 under Sections 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act') (offence under Section 29 of the NDPS Act added later on), registered at Police Station Cantt Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner, inter alia, contends that he has been false implicated in the case in hand for having been found in possession of 205 grams of heroine (non-commercial

quantity) on 30.3.2023, when he was riding his motorcycle. Learned counsel submits that the false implication of the petitioner is also evident from the fact that he has clean antecedents and is not involved in any other criminal case, much less, under the NDPS Act. Learned counsel further submits that the trial is unlikely to conclude in the near future, as after the charges were framed on 9.8.2023, the case is being adjourned time and again and none of the 12 prosecution witnesses cited, have been examined till date.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from S.I. Tarlok Singh, has submitted that a secret information was received qua the petitioner and thereafter when a *Naka* was laid, he was intercepted alongwith the recovered contraband. Learned State counsel has, however, not been able to dispute that the petitioner is not involved in any other criminal case, much less, under the NDPS Act. It has also not been disputed that the trial has come to a virtual stand still after the charges were framed, way back on 9.8.2023 and thereafter none of the 12 prosecution witnesses have been examined so far. Learned State counsel further submits that the next date before the trial Court is 5.2.2023, when the prosecution evidence is likely to commence.

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

5. In the facts and circumstances, as enumerated hereinabove, and coupled with the fact that the petitioner has clean antecedents and the alleged recovery falls under the non-commercial

category, this Court deems it fit to enlarge him on bail as the trial is likely to take considerable time to conclude. 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.

12.12.2023
chugh

(MANJARI NEHRU KAUL)
JUDGE

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