

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-37560-2023

Date of decision: 09.08.2023

Gurwinder Chand @ Kewa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajiv Kumar Saini, 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.121 dated 25.12.2022 under Sections 21/23/27-A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kalanaur, District Gurdaspur.

2. Learned counsel for the petitioner submits that after the withdrawal of the previous petition on 02.05.2023 wherein similar relief had been sought, challan had been presented and charges also framed.

3. Learned counsel for the petitioner inter alia contends that a false and fabricated case has been registered upon the petitioner and a recovery of 10 grams of heroin (small quantity) planted upon him. It has been also submitted that the false implication of the petitioner finds due credence from the fact that he is not involved in any other case under the NDPS Act. It has been further submitted that the petitioner has been in custody since 25.12.2022 and none of the prosecution witnesses have been examined and hence, the trial would take

considerable time to conclude.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions, has submitted that the petitioner was apprehended with 10 grams of heroin along with ₹3 lakhs (drug money). He has, however, not been able to dispute that the petitioner is not involved in any other case under the NDPS Act. On a further query, learned State counsel has, on instructions, submitted that the next date before the Trial Court is 06.09.2023 when prosecution evidence is likely to commence.

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

6. The petitioner was apprehended with 10 grams of heroin which is not classified as commercial quantity. Investigation in the case in hand is complete as even charges stand framed. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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