

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

CRM-M No.39073 of 2023
Date of decision: 17th August, 2023

Palwinder Singh @ Pinder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arshdeep S. Brar, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.214 dated 29.08.2022 under Sections 15, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sidhwan Bet, District Ludhiana.

2. Learned counsel for the petitioner inter alia submits that pursuant to a secret information received, recovery of 60 kgs of poppy husk was allegedly effected from the house of one Vikramjeet Singh, who had handed over the keys of his house to the co-accused Gurbhej Singh. It has been submitted that the petitioner has now been in custody since 29.08.2022 and after the charges were framed, none of the 11 prosecution witnesses cited, have been examined till date, hence, there is no likelihood of the trial concluding in the near future. On a pointed

query put to the learned counsel as to whether the petitioner is involved in any other criminal case, he has replied in the negative. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that a secret information was received wherein all the accused including the petitioner were specifically named and thereafter, when a raid was conducted, 60 kgs of poppy husk was recovered from the house which was in the occupation of all the accused. Learned State counsel submits that the next date of hearing fixed before the trial Court is 18.09.2023 when the prosecution evidence is likely to commence. He has further disputed the submissions made by the counsel opposite qua the petitioner having clean antecedents. It has been submitted that the petitioner was previously involved in another case under the NDPS Act.

4. Learned counsel for the petitioner has, however, rebutted the submissions made by the learned State counsel, by urging that even as per the custody certificate, the petitioner was released on bail within 1 month and 15 days, which shows that recovery effected in the aforementioned case fell under the small quantity.

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

6. The petitioner has now been in custody since 29.08.2022. The recovery effected from all the accused including the petitioner, is just marginally higher than the minimum classified as commercial under the NDPS Act. The trial is unlikely to conclude in the near future as prosecution evidence is yet to commence. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. 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.

7. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 17, 2023
rps

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