

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

227

2023:PHHC:114152

CRM-M-39028-2023

Date of decision: August 31st, 2023

Gora Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.77 dated 06.07.2022 under Sections 21, 22 and 29 of the NDPS Act registered at Police Station Barnala, District Barnala.

Learned counsel for the petitioner, while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, *inter alia*, contends that the alleged recovery of 800 loose tablets of Tramadol was effected from co-accused Rani Kaur, who thereafter suffered a disclosure statement nominating the petitioner as an accused and from whom she had procured the said contraband. Learned counsel submits that the disclosure statement allegedly suffered by co-accused Rani Kaur does not have much evidentiary value and all this needs to be appreciated in the light of the petitioner not being involved in any other case under the NDPS Act. It has also been submitted by learned counsel for the petitioner that after the petitioner was arrested on 29.04.2023, no recovery much less of Tramadol was effected from him. Learned counsel, therefore, prays that since only one prosecution witness out of the 17 cited has been partly examined, petitioner's further

incarceration in the circumstances would serve no useful purpose as the trial would take considerable time to conclude.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not controverted that no recovery much less of Tramadol was effected from the petitioner and still further, the petitioner was nominated on the disclosure statement allegedly suffered by co-accused Rani Kaur from whom the recovery of contraband was effected. He has also not disputed that the petitioner is not involved in any other case under the NDPS Act. However, he submits that one case under the Excise Act stands registered against the petitioner.

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

The petitioner has been in custody since 29.04.2023 and there is no likelihood of the trial concluding in the near future as 14 prosecution witnesses still remain to be examined.

In the facts and circumstances as enumerated hereinabove, 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.

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 bail granted to him.

August 31st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No