

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42721 of 2022
Date of decision: 25th July, 2023

Amarjit Singh @ Ambi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Promila Nain, Advocate for the petitioner.

Mr. H.S. Sitta, 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.0067 dated 08.04.2022 under Sections 21(C)/61/85 of the NDPS Act registered at Police Station Special Task Force (STF Wing), SAS Nagar Mohali.

2. Learned counsel for the petitioner inter alia contends that in a case of chance recovery, 600 grams of Heroin was allegedly recovered from near the gearbox of the car, which was being driven and owned by co-accused Baljit Singh. She submits that though charges were framed way back on 14.09.2022, none of the 26 prosecution witnesses cited had been examined. It has also been submitted that the petitioner was in no way linked to the alleged recovery and was merely traveling and had no inkling that the co-accused was carrying the

recovered contraband as he had merely taken a lift with him. She submits that the factum of the petitioner being innocent finds due credence from the fact that he has clean antecedents and is not involved in any other criminal case much less under the NDPS Act. 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, has submitted on instructions that the petitioner was traveling with the co-accused Baljit Singh when the car was stopped and the recovery effected from it. He has however, not been able to dispute that neither was the petitioner driving the car nor was he the owner of the said vehicle. However, he submits that the car belonged to the co-accused Baljit Singh, who is involved in four other cases under the NDPS Act.

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

5. The petitioner has now been in custody for more than one year having been arrested on 8.4.2022. Charges were framed more than 10 months back on 14.9.2022. The trial is unlikely to conclude in the near future as none of the 26 prosecution witnesses have been examined. As also not disputed by the learned State counsel, the petitioner is not involved in any other case under the NDPS Act. 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.

6. 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

July 25, 2023
rps

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