

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

CRM-M No.40454 of 2023
Date of decision: 12th December, 2023

Raj Kumar @ Vicky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh, Advocate for the petitioner.
Mr. Sandeep Kumar, Dy. 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.94 dated 17.06.2023 under Sections 22, 25, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dakha, District Ludhiana.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia contends that a secret information was received qua co-accused Sikander Singh alias Kindi and Kuljit Singh to the effect that they were involved in the sale of intoxicant tablets. When both the co-accused were apprehended by the police, a disclosure statement was then suffered by co-accused Sikander Singh

alias Kindi to the effect that they had procured the recovered contraband from the petitioner. Learned counsel submits that the disclosure statement, on the basis of which the petitioner came to be nominated as an accused in the case in hand, does not have much evidentiary value. It has also been submitted that the recovered contraband has been classified as non-commercial under the NDPS Act. Learned counsel has still further submitted that the co-accused Kuljeet Singh, who had been named in the secret information and who had also been nabbed along with the recovered contraband by the police, had since been extended the concession of bail by the trial Court vide order dated 06.10.2023. In support, learned counsel has placed on record copy of the order dated 06.10.2023 passed by learned Judge, Special Court, Ludhiana. Learned counsel has further submitted that the investigation in the case in hand is complete and after charges were framed on 05.10.2023, none of the 11 witnesses cited by the prosecution had been examined so far.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Subhash Chand, has not been able to controvert that the secret information had been received qua Sikander Singh alias Kindi and Kuljit Singh. It has also not been disputed by the learned State counsel that the recovered contraband i.e. 200 intoxicant tablets, has been classified as non-commercial under the Act. On a pointed query put to the learned State counsel, he on instructions has informed the Court that the

petitioner has clean antecedents as he is not involved in any other case under the NDPS Act though a case under section 379-B IPC stands registered against him.

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

5. The petitioner has now been in custody since 19.06.2023. Challan was presented on 06.09.2023 and charges were framed on 05.10.2023, however, the prosecution evidence has not yet commenced and is likely to commence only on the next date of hearing fixed before the trial Court i.e. 21.12.2023. Hence, the trial would take considerable time to conclude. 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

December 12, 2023

rps

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