

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

Crl.Misc.No.M-40464 of 2023

Date of Decision: 04.10.2023

Harpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Anupam Singla, 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 Cr.P.C. in case FIR No.168 dated 19.08.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station City-2, Mansa, District Mansa.

2. Learned counsel for the petitioner, *inter alia*, submits that the petitioner was allegedly apprehended on suspicion during a routine patrolling and thereafter recovery of 11 vials of Onerex (cough syrup) measuring about 1100 ml. was shown to have been effected from him. Learned counsel further submits that it is a case of false implication and still further the recovery allegedly effected from the petitioner is just

marginally more than the minimum classified as 'commercial quantity' under the NDPS Act. It has further been submitted that only 4 witnesses, out of the 15 cited by the prosecution, have been examined till date and hence, there is no likelihood of the trial concluding in the near future. A prayer has, therefore, been made for extending the concession of regular bail to the petitioner, who has no criminal antecedents and furthermore 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 from ASI Jasvir Singh, has not been able to controvert that the petitioner does not have any criminal antecedents and still further the recovery effected from him measuring 1100 ml. of cough syrup is just 100 ml. more than the minimum classified as commercial quantity 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 since 19.08.2022. There is no likelihood of the trial concluding in the near future as only four witnesses out of the 15 cited by the prosecution have been examined till date. The petitioner is not stated to be involved in any other criminal case. 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 the same.

October 04, 2023
poonam

(*MANJARI NEHRU KAUL*)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>