

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-42304-2022

Date of decision: 20.07.2023

Resham Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.70 dated 13.08.2021 under Sections 22, 25, 65, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Bhadaur, District Barnala.

2. Learned counsel for the petitioner submits that a false recovery of 990 tablets of Tramadol has been planted upon the petitioner. He submits that after the petitioner was arrested on 13.08.2021 only 04 prosecution witnesses out of the 15 had been examined and hence, there was no likelihood of the trial concluding in the near future. It has been further submitted that false implication of the petitioner finds due credence from the fact that he has no criminal antecedents much less been involved in any other case under the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer

made by learned counsel for the petitioner, on instructions, has submitted that the recovered contraband falls under the commercial quantity. However, he has not been able to dispute that the petitioner is not involved in any other criminal case much less under the NDPS Act.

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

5. The petitioner has been in custody since 13.08.2021 and as many as 11 prosecution witnesses still remain to be examined. Hence, the trial will take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner.

6. Accordingly, 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

20.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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