

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-41342-2023

Date of decision: 12.09.2023

Janak Singh alias Bikka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. K.P. Singh, 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 of the Cr.P.C. in case FIR No.104 dated 21.06.2023 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Gharinda, District Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that a false case has been planted upon the petitioner for having allegedly been found in possession of 102 grams of heroin when he was stopped by the police on suspicion. Learned counsel submits that the recovery effected has been classified as non-commercial under the NDPS Act and after the challan was presented on 17.08.2023 charges have since been framed. It has also been submitted that as many as 11 prosecution witnesses have been cited by the prosecution and their evidence is due to commence on the next date of hearing i.e. 25.10.2023, hence, the trial would take considerable time to conclude.

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

made by learned counsel for the petitioner, on instructions from ASI Daljit Singh, has not been able to controvert that the recovery of the contraband allegedly effected from the possession of the petitioner did not fall within the commercial quantity. Learned State counsel, however, submits that the petitioner is also involved in another case under the NDPS Act wherein, though, no recovery of any contraband was effected from him and he had been nominated as an accused on the basis of a disclosure statement. Learned State counsel has also on instructions not disputed that the investigation in the case in hand is complete and even charges stand framed.

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

5. In the facts and circumstances as enumerated hereinabove coupled with the fact that the recovery allegedly effected from the petitioner does not fall within commercial quantity, this Court deems it fit 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.

12.09.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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