

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

224

CRM-M-43942-2023  
Date of decision: 12.09.2023

Surender Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. S.P.S. Khaira, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**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.112 dated 25.06.2023 under Sections 18/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station G.R.P. Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner was nabbed on suspicion by the police and false recovery of 1.5 kgs of opium planted upon him, which is intermediatery quantity. Learned counsel submits that the false implication of the petitioner in the crime in question finds due credence from the fact that he has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. It has been further submitted that after the petitioner was arrested on 25.06.2023 not only had the challan been presented but even charges stand framed. Thus, a prayer has been made

to extend the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Rakesh Kumar, has not disputed that the recovery allegedly effected from the petitioner does not fall within the commercial quantity. It has also not been disputed that the petitioner is not involved in any other case much less under the NDPS Act. Learned State counsel, however, submits that since the petitioner is a native of Jharkhand, there could be a possibility that in case he is extended the concession of bail, he may abscond and evade proceedings before the Trial Court. Learned State counsel submits that in case the petitioner is extended the concession of bail, it may be subject to furnishing heavy surety.

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, seeing to the alleged recovery effected from the petitioner as well as he having clean criminal antecedents, this Court deems it fit to extend the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to his furnishing heavy/local surety 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

(MANJARI NEHRU KAUL)  
JUDGE

Vinay

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