

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.47507 of 2023

Date of decision: 25th September, 2023

Harpreet Singh @ Sahil

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy 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.102 dated 14.06.2023 under Sections 18, 29, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'the Act') registered at Police Station Gharinda, District Amritsar.

2. Learned counsel for the petitioner inter alia contends that the petitioner was allegedly carrying a polythene bag containing 500 grams of Opium which he threw on the road on sighting a police party. He submits that it is evidently a false case which has been planted upon the petitioner, more so since he has no criminal antecedents. Learned counsel further submits that even otherwise the recovered contraband has not been classified as commercial under the Act but falls within the

intermediate quantity. Learned counsel submits that since investigation is complete and charges have not yet been framed, there is no likelihood of the trial concluding in the near future, hence, the petitioner be extended the concession of bail as his further incarceration would serve no useful purpose as he has now been in custody since 14.06.2023.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Tarsem Singh, has not been able to dispute that the petitioner is not involved in any other criminal case, much less under the NDPS Act. He has also not disputed that investigation in the case in hand is complete as challan stands presented on 14.08.2023. It has, however, been submitted by the learned State counsel that charges are likely to be framed on the next date of hearing fixed before the trial Court i.e. 30.09.2023.

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

5. The petitioner was allegedly apprehended on suspicion and a recovery of 500 grams of Opium was shown to be effected from a polythene bag which was thrown by him on the road. As per the instructions received by the learned State counsel, 10 prosecution witnesses have been cited, hence, trial would take considerable time to conclude as charges have also not yet been framed. In the facts and circumstances as enumerated hereinabove, and keeping in view the quantity of contraband recovered from the petitioner, this Court 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

September 25, 2023
rps

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