

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-47566-2023

Date of decision: 04.10.2023

Harpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ankur Jain, 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.13 dated 02.06.2023 under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 25 of the Arms Act, 1959 registered at Police Station SSOC, Amritsar.

2. Learned counsel for the petitioner inter alia contends that as per the admitted case of the prosecution when the petitioner was directed by the police to stop his motorcycle, no recovery of either any contraband or firearm was effected from him. Learned counsel submits that a recovery of 100 grams of heroin (non-commercial) and 32 bore pistol along with 5 cartridges was shown to have been effected from the possession of co-accused, who were pillion riding behind the petitioner. Learned counsel further submits that there were no material on record from which it could be discerned that the petitioner was either involved in the sale of any narcotic substance or was even aware that the co-

accused were carrying any recovered contraband and firearms with them. Learned counsel has submitted that the petitioner, who is not involved in any other case under the NDPS Act, has been in custody since 02.06.2023; after the challan was presented on 01.08.2023, charges have also not been framed, hence 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 SI Kanwar Iqbal Singh, has not disputed that no recovery of any contraband much less firearms was effected from the petitioner. He, however, submits on instructions that the petitioner was riding his motorcycle along with the two co-accused, from whom the alleged recoveries were effected. Learned State counsel, on further instructions, has not been able to controvert qua the petitioner not being involved in any other case 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 02.06.2023. Investigation in the case in hand is complete. The recovered contraband has been classified as non-commercial under the NDPS Act and as not disputed by the learned State counsel was not recovered from the conscious possession of the petitioner. As many as 12 prosecution witnesses have been cited and, hence, trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, 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.

04.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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