

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.50311 of 2023
Date of decision: 16th November, 2023

Rajbir Singh @ Raja

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amaninder Preet, Advocates for the petitioner.

Mr. Mohit Kapoor, Addl. 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.33 dated 03.05.2023 under Sections 21(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'the Act') registered at Police Station Chohla Sahib, District Tarn Taran.

2. Learned counsel for the petitioner has reiterated that the falsity of the prosecution version is writ large from the fact that the instant FIR, which stands reproduced in the body of the petition, was straightaway registered under Sections 21(c) and 29 of the Act. It has been further submitted that without any accused having been arrested, offence under Section 29 of the Act could not have been added in the FIR in question; more so since it was a case of the prosecution that the petitioner had been nominated as an accused on the basis of a disclosure

statement allegedly suffered by co-accused Arshdeep Singh alias Arsh and Karambir Singh alias Preet. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Reply by way of an affidavit of Ravi Sher Singh, DSP Sub Division Khadur Sahib Camp at Goindwal Sahib has been filed today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to learned counsel opposite.

4. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the factum of the FIR having been registered straightaway under Sections 21(c) and 29 of the Act, however, he submits that it was on account of an inadvertent mistake. On a pointed query put to the learned State counsel as to whether recovery of any contraband was effected from the possession of the petitioner or pursuant to any disclosure statement made by him on being arrested on 31.05.2023, he, on instructions, has replied in the negative. Learned State counsel has also not disputed that the investigation in the case in hand is complete, however, he submits that charges have not yet been framed and are likely to be framed on the next date of hearing fixed before the trial Court i.e. 20.11.2023.

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

6. The petitioner has now been in custody since 31.05.2023. Investigation in the case in hand is complete, however, charges have not

yet been framed, and hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances, as enumerated hereinabove, this Court thus 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.

7. 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

November 16, 2023

rps

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