

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

226

2023:PHHC:163219

CRM-M-51893-2023

Date of decision: December 19th, 2023

Sema Singh @ Ronki

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.29 dated 01.03.2023 under Section 22 of the NDPS Act, 1985, registered at Police Station Longowal, District Sangrur.

2. Learned counsel for the petitioner, *inter alia*, contends that the falsity of the prosecution version is evident from the fact that the details of the tramadol tablets allegedly recovered from some strips, e.g. batch number, date of manufacture etc. which the petitioner was carrying in the bag and which was allegedly thrown by him on seeing the police, had not been mentioned in any of the documents, which were prepared at the spot. In the circumstances, the police should have taken a representative sample after mixing all the recovered tablets and only then send it to the Forensic Science Laboratory, which too had not been done in the instant case. Learned counsel submits that the petitioner has clean antecedents and after the challan was presented on 17.08.2023 and charges framed on 20.09.2023, none of the 14 prosecution witnesses

had been examined. Learned counsel, therefore, submits that there is no likelihood of the trial concluding in the near future, as the next date fixed before the trial Court is 02.02.2024 when the prosecution evidence is likely to commence.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Raghwinder Pal Singh, has submitted that it was a case of chance recovery, wherein the petitioner, on seeing the police party, became nervous and threw away the bag containing 790 tablets of tramadol. Learned counsel has however, on instructions, not disputed that all the relevant details like the batch number, date of manufacture etc. had not been mentioned in any of the documents, which were prepared by the police party at the time of the alleged recovery. Learned State counsel, on instructions, has not disputed that though the petitioner is not involved in any other case under the NDPS Act, however, he submits that the petitioner is involved in one case under Section 420 of the IPC.

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

5. The petitioner has been in custody since 01.03.2023 and the prosecution evidence is likely to commence only on 02.02.2024, hence, the trial is unlikely to conclude in the near future.

6. In the facts and circumstances as enumerated hereinabove, coupled with the fact that the petitioner is not involved in any other case under the NDPS Act, this Court deems it fit to extend the concession of bail to the petitioner. 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 19th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No