

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

222

CRM-M-53281-2022  
Date of decision: 18.08.2023

Kala Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present : Mr. Jashandeep Singh Sandhu, Advocate  
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.127 dated 25.06.2020 under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sangat, District Bathinda.

2. Learned counsel for the petitioner submits that a recovery of 410 grams of heroin has been planted upon him and it is evidently a case of false implication as he has no previous antecedents of having ever been involved in any other criminal case under the NDPS Act. Learned counsel further submits that even the mandatory provisions of the NDPS Act were not fully complied with while effecting the alleged recovery. Learned counsel has still further submitted that the petitioner has now been in custody for more than 03 years having been arrested on 25.06.2020 and as on date only 02 prosecution witnesses out of the

10 stand examined. Hence, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions has submitted that the petitioner was apprehended on suspicion when he panicked on seeing the police naka and thereafter recovery of 410 grams of heroin was effected from a polythene which was tied to his waist. Learned State counsel on instructions has, however, has not been able to dispute that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act. It has also been submitted that next date fixed before the Trial Court is 22.09.2023 when some more prosecution witnesses have been summoned to depose.

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

5. The petitioner has now been in custody for more than 03 years and only 02 prosecution witnesses stand examined. He is not stated to be involved in any other criminal case. The trial is unlikely to conclude in the near future, hence, keeping in view his long incarceration, 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.

18.08.2023

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

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