

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

CRM-M-51351-2023
Date of decision: 30.11.2023

GURJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., 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. 0115 dated 23.05.2023 under Sections 21, 25, 29 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act, 1959 (Section 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act, 1959 added later on), registered at police Station Jandiala, Amritsar Rural.

2. Learned counsel for the petitioner *inter alia* contends that a false case has been planted upon him for having been found in possession of 100 grams of heroin, while he was driving his car. He submits that the petitioner does not have any criminal antecedents, which further lends credence to his innocence.

3. It has been further submitted that after the petitioner was arrested on 23.05.2023, the investigation had concluded and even challan had been presented, however, charges have not yet been framed, hence there was no

possibility of the trial concluding in the near future, more so since 17 prosecution witnesses had been cited by the prosecution.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has not disputed that the alleged recovery effected from the petitioner has been categorized as non-commercial under the Act. However, he submits that disclosure statement was made by the petitioner on being apprehended by the police, wherein he named two more persons, who were then arrested and a recovery of 275 grams of heroin was effected from them.

5. Learned State counsel has, however, at the same time not been able to controvert that the petitioner has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act. Learned State counsel on further instructions, has informed the Court that the next date fixed before the trial Court is 22.01.2024, when the charges are likely to be framed.

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

7. The recovery allegedly effected from the petitioner i.e. 100 grams of heroin, has been classified as non-commercial. The petitioner, as not disputed by the learned State Counsel is not involved in any other criminal case, the trial would take considerable time to conclude as charges would in all likelihood be framed only on the next date of hearing i.e. 22.01.2024 and thereafter as many as 17 prosecution witnesses would be examined.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. 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.

10. 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.

30.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable :</i>	<i>Yes/No</i>