

Neutral Citation No.2023:PHHC:160574
IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-53276 of 2023 (O&M)
Date of decision : 14.12.2023

...

Akashdeep Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab,
for the respondent -State

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MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail under Section 439 Cr.P.C., in case FIR No.13 dated 2.6.2023 under Sections 21, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act'), registered at Police Station State Special Operations Cell, Amritsar.

2. Learned counsel for the petitioner, inter alia contends that as per the allegations levelled, the petitioner alongwith two co-accused was riding on the motorcycle, when the Police Party intercepted them, leading to the recovery of 100 gms of herione from the co-accused and .32 bore pistol alongwith live cartridges from his person. Learned counsel submits that even as per the case of the prosecution, no recovery of any contraband, much less, heroine, was effected from the conscious possession of the petitioner and it was

only an unlicensed weapon, which had been allegedly recovered from the petitioner. He further submits that the petitioner is innocent, which is evident from the fact that he has no criminal antecedents. It has also been submitted that the investigation in the case in hand is complete as challan has since been presented. However, thereafter the trial has not made any progress, as even the charges have not yet been framed. Learned counsel further submits that, as many as, 12 prosecution witnesses have been cited, hence the possibility of the trial concluding in the near future is remote.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions has not been able to dispute that no recovery of any narcotic substance, much less, heroine was effected from the petitioner. However, he submits that the petitioner was pillion riding alongwith the co-accused, from whom a recovery of 100 gms of heroine was effected and recovery of an un-licensed fire arm alongwith live cartridges, was also effected from him.

4. On a pointed query put to the learned State counsel, he, on instructions, has not disputed that the petitioner does not have any criminal antecedents and is not involved in any other criminal case, much less, under the NDPS Act.

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

6. The petitioner has in in custody since 2.6.2023. There is no likelihood of the trial concluding in the near further, as seemingly the trial has come to a virtual stand still after the challan was

presented on 1.8.2023, since even the charges have not been framed. 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 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.

14.12.2023
chugh

(MANJARI NEHRU KAUL)
JUDGE

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