

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

226

2023:PHHC:161466

CRM-M-54013-2023

Date of decision: December 15th, 2023

Lovepreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Simranjot S. Nagra, Advocate
for the applicant-petitioner.

Mr. Jaiteshwar S. Bhandari, Assistant Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.66 dated 07.09.2023 under Sections 18(b), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ghuman Kalan, District Gurdaspur.

2. Learned counsel for the petitioner, *inter alia*, contends that no recovery much less of 150 grams of opium was effected from the petitioner and the petitioner had been implicated only on account of the fact that he was allegedly accompanying the co-accused, from whom recovery of 150 grams (non-commercial) was effected. He submits that the petitioner has now been in custody since 07.09.2023. It has also been submitted that co-accused Ravinder Singh, from whom alleged recovery of 150 grams of opium was effected has since been extended the concession of bail by a coordinate Bench of this Court vide order dated 09.11.2023.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to

controvert the submissions made by the counsel for the petitioner that no recovery much less of 150 grams of opium was effected from the conscious possession of the petitioner. However, learned State counsel has submitted that the petitioner was accompanying accused Ravinder Singh from whom the alleged recovery was effected.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions from S.I. Satnam Singh, has replied in the negative.

5. In the facts and circumstances as enumerated hereinabove; as there is no likelihood of the trial concluding in the near future, 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.

6. 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 15th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No