

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

CRM-M No.58443 of 2022 (O&M)

Date of decision: 17th July, 2023

Gurjant Singh @ Janta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dinesh Trehan, Advocate for
Mr. Vikramjeet Singh, Advocate for the petitioner.
Mr. Subhash Godara, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0268 dated 20.10.2022 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Special Task Force, STF Wing.

2. Learned counsel for the petitioner inter alia submits that the petitioner has been in custody since 22.10.2022 in a case of chance recovery wherein 200 grams of Heroin (non commercial) was allegedly recovered from him. Learned counsel submits that the trial is unlikely to conclude in the near future as none of the 26 prosecution witnesses cited, have been examined after charges were framed on 21.01.2023. It has also been submitted that the petitioner was extended the concession

of interim bail for 15 days during the pendency of the FIR in question on account of his wife's illness and the said concession had not been misused by him as he had surrendered back in the jail on time. A prayer has therefore, been made for extending the concession of bail to the petitioner as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not been able to controvert that after charges were framed on 21.01.2023, none of the 26 prosecution witnesses have been examined. He has also not been able to dispute that it was a case of chance recovery and the recovery allegedly effected fell under non-commercial quantity. However, he submits that the petitioner is involved in three other cases under the NDPS Act, though in those cases as well, recovery effected is non-commercial.

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

5. The petitioner has been in custody since 22.10.2022 and the trial shall take considerable time to conclude as none of the 26 prosecution witnesses cited have been examined so far. 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. 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 add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

July 17, 2023
rps

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