

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-57100-2023

Date of decision: 23.11.2023

Ramandeep Singh alias Ramandeep Singh BadwalPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kamaljit Singh Dhillon, 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.95 dated 17.09.2023 under Sections 21(b), 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner inter alia contends that a recovery of 15 grams of heroin along with ₹4,000/- alleged drug money was planted upon the petitioner. He submits that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. It has been further submitted that the petitioner has now been in custody since 17.09.2023, however, till date even challan has not been presented, hence, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer

made by learned counsel for the petitioner, on instructions, has not been able to controvert that the alleged recovery effected from the petitioner was only of 15 grams of heroin which has not been classified as commercial under the NDPS Act, however, he submits that along with 15 grams of heroin, a recovery of ₹4,000/- (drug money) was effected from the car of the petitioner.

4. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he, on instructions has informed the Court that the petitioner has clean antecedents as he 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 material placed on record.

6. The petitioner has been in custody since 17.09.2023 for having allegedly been found in possession of 15 grams of heroin (non-commercial) along with ₹4,000/- which was effected from the car in which he was allegedly travelling. In the facts and circumstances since the petitioner has clean antecedents and the trial is yet to commence, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

8. 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.

23.11.2023

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(MANJARI NEHRU KAUL)
JUDGE

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