

Neutral Citation No.2023:PHHC:165006
IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-62819 of 2023 (O&M)
Date of decision : 21.12.2023

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Deen Dayal @ Teddi

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manu Loona, 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.119 dated 9.7.2023 under Sections 21, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act'), registered at Police Station City Fazilka, District Fazilka.

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 just 10 gms of heroin (small quantity). Learned counsel submits that the petitioner has been in custody since 9.7.2023 and after the challan was presented and charges framed on 30.11.2023, the trial has not progressed, as none of the 12 prosecution witnesses, have been examined so far. He submits that in the circumstances, there is no likelihood of the trial concluding in the near future. A

prayer has, therefore, been made to extend the concession of bail to the petitioner.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that no doubt the recovery effected from the petitioner has been classified as non-commercial, under the NDPS Act, however, the petitioner had previously also been involved in a case under the NDPS Act, wherein also he was caught with the contraband, though not falling under the commercial quantity. Learned State counsel has informed the Court that the next date before the trial Court is 2.1.2024, when the prosecution evidence is likely to commence.

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

5. The petitioner has been in custody for almost six months; the recovery allegedly effected from the petitioner, as conceded by the learned State counsel, falls under the non-commercial quantity; none of the prosecution witnesses have been examined so far. Hence, there is every likelihood that the trial would take a considerable time to conclude.

6. 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.

21.12.2023
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(MANJARI NEHRU KAUL)
JUDGE

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