

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.391 of 2024
Date of decision: 26th February, 2024

Lovepreet @ Preet

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amarjeet S. Prajapati & Mr. Parivartan Singh,
Advocates for the petitioner.

Mr. Prabhdeep S. Bhandari, Asst. 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.179 dated 24.09.2023 under Sections 21 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Gharinda, District Amritsar.

2. Learned counsel for the petitioner inter alia contends that a false case has been planted upon the petitioner of having been found in possession of 150 grams of Heroin (non commercial) on 24.09.2023. He submits that admittedly there had been non compliance of the mandatory provisions of the Act, which further lends credence to his false implication in the instant case. It has been submitted that after the petitioner was arrested, not only investigation in the case in hand is

complete but even charges stand framed, however, trial is unlikely to conclude in the near future, as none of the 15 prosecution witnesses cited have been examined till date. 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 the recovery effected from the petitioner is less than commercial quantity, as classified under the Act. It has also not been disputed that not only investigation in the case in hand is complete but even charges stand framed. However, he submits that the petitioner is involved in one other case under the NDPS Act though in the said case, he was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused and no recovery of any contraband was effected from him.

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

5. The petitioner has now been in custody since 24.09.2023 and there is no likelihood of the trial concluding in the near future as none of the 15 prosecution witnesses cited have been examined till date; the alleged recovery effected from the petitioner has been classified as non-commercial under the NDPS Act. 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

February 26, 2024
rps

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