

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

232

CRM-M-1158-2024

Date of decision: 12.03.2024

Varinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amardeep Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, 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.33 dated 03.05.2023 under Sections 21C, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Chohla Sahib, District Tarn Taran.

2. Learned counsel for the petitioner submits that a false case having been planted upon the petitioner is evident from a perusal of the FIR which has been annexed as Annexure P-1 wherein a case was straightaway registered under Sections 21C and 29 of the NDPS Act without any accused having been arrested or any disclosure statement having been made on the said date. It has also been submitted that after the petitioner was arrested on 11.05.2023, not only the investigation in the case at hand stands completed but even charges stand framed, however, recording of the prosecution evidence had not yet commenced.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute the submissions made by the counsel opposite with respect to the FIR having been straightaway registered under Section 21C and 29 of the NDPS Act without any disclosure statement having been recorded on the said date; however, learned State counsel on instructions submits that it was on account of an inadvertent mistake that Section 29 of the NDPS Act had been added in the FIR.

4. On a pointed query put to the learned State counsel as to whether any recovery of narcotic substances had been effected from the possession of the petitioner after he was arrested on 11.05.2023, he, on instructions, has replied in the negative. The stage of the trial has also not been disputed by the learned State counsel, who on further instructions has submitted that as many as 16 witnesses have been cited by the prosecution. Learned State counsel has, however, submitted that two co-accused on whose disclosure statement the petitioner was nominated as an accused, a recovery of 305 grams of heroin was effected from them.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 11.05.2023. After the challan was presented, it was followed by framing of charges, however, till date recording of prosecution evidence has not commenced. In the facts and circumstances as enumerated hereinabove, 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.

12.03.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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