



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3112 of 2024
Date of decision: 26th September, 2024

Tinku @ Rinku
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Khushbu Sharma, Advocate for
Mr. Karan Chaudhary, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. 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.0096 dated 06.04.2023 under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF, District SAS Nagar (Mohali).
2. Learned counsel appearing on behalf of the petitioner submits that a secret information was received by the police qua the involvement of co-accused Manjinder Singh and Prabhjot Singh; no secret information had been received qua the involvement of the petitioner in drug trafficking. She submits that pursuant to a tip-off, both the aforementioned co-accused were apprehended and then recovery totalling 700 grams of Heroin was allegedly affected from them. Learned counsel further submits that the petitioner came to be

nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Prabhjot Singh, who claimed that the recovered contraband had been supplied to him by the petitioner. She submits that it is highly improbable that the petitioner could have supplied the recovered contraband, as it is a matter of record that he was in custody in a case registered under Section 307 IPC. Learned counsel has further submitted that after the petitioner was arrested, no recovery of any contraband was affected from him, which lends credence to his false implication in the present case. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose, more so since investigation in the present case is complete and charges also stand framed coupled with the fact that 18 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that no secret information was received qua the involvement of the petitioner in the crime in question and his name surfaced only in a disclosure statement allegedly suffered by co-accused Prabhjot Singh. It has also not been disputed, on instructions, that on the relevant day the petitioner was in custody in another criminal case for offences punishable under Section 307 IPC and under the Arms Act.

4. On a pointed query put to the learned State counsel as to whether the petitioner has ever been previously involved in a case under the NDPS Act, he on instructions has replied in the negative and has also not controverted that on being arrested, no recovery of any contraband was affected from the petitioner. Learned State counsel has

further not disputed the custody period of the petitioner nor the stage of trial.

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

6. The petitioner has now been in custody since 08.09.2023 and the possibility of trial concluding in the near future looks remote as only one prosecution witness has been examined after charges were framed on 06.12.2023. As per the learned State counsel, the next date of hearing fixed before the trial Court is 16.10.2024 when some of the other prosecution witnesses have been summoned to depose. 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.

7. 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

September 26, 2024
rps

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