

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

225 (PROCEEDINGS THROUGH HYBRID MODE)

2024:PHHC:050935

CRM-M-5254-2024

Date of decision: April 16, 2024

Himmat

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Chopra, Advocate
for the petitioner (through V.C.).

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.95 dated 17.09.2023 under Sections 21 (b), 27-A of the NDPS Act registered at Police Station Sadar Gurdaspur.

2. Learned counsel for the petitioner, *inter alia*, contends that after the petitioner was arrested on 17.09.2023 for allegedly being found in possession of 15 grams of heroin (intermediate quantity) along with ₹4,000/- purportedly drug money, investigation in the instant case had concluded as challan was presented on 16.03.2024. Learned counsel has submitted that there is no likelihood of the trial concluding in the near future as charges have not yet been framed, coupled with the fact that nine witnesses have been cited by the prosecution. A prayer has, therefore, been made for enlarging the petitioner on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that

challan stands presented and the charges have not yet been framed, however, he submits that the petitioner has previously also been involved in a case under the NDPS Act, though in the said case as well, the alleged recovery was classified as small.

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

5. In the facts and circumstances as enumerated hereinabove, the likelihood of the trial concluding in the near future seems improbable, further incarceration of the petitioner would thus, serve no useful purpose. Accordingly, the instant petition is allowed. The petitioner be 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.

6. 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.

April 16th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No