

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-4815-2024

Date of decision: 04.03.2024

Satwant Singh @ Seri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.200 dated 24.09.2022 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Dhuri, District Sangrur.

2. Learned counsel for the petitioner inter alia contends that a false case has been planted upon the petitioner who has now been in custody since 24.09.2022. While drawing the attention of this Court to the allegations levelled in the FIR which has been reproduced in the body of the petition, it has been submitted that no recovery much less of any tablets of Tramadol was effected from the conscious possession of the petitioner rather as per the allegations levelled in the FIR, recovery was effected from a plastic bag which was lying on the roadside along with 1500 tablets of Tramadol. Learned counsel has submitted that though the challan was presented on 15.03.2023, however, till date only

05 prosecution witnesses out of the 16 cited, had been examined and hence, there was no likelihood of the trial concluding in the near future. Learned counsel has also contended that after he was arrested on 24.09.2022, no recovery much less of any contraband was effected from any other place much less his house on his disclosure.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Jasvir Singh, has informed the Court that no doubt the alleged recovery was not effected from the conscious possession of the petitioner, however, when the petitioner saw the police party from a distance, he threw away the bag containing the recovered contraband; on suspicion the petitioner was immediately nabbed leading to the recovery of 1500 tablets of Tramadol weighing 538 grams which has been classified as commercial under the NDPS Act. It has further been not disputed that 11 prosecution witnesses are yet to be examined coupled with the fact that the petitioner is not involved in any other case under the NDPS Act.

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

5. The petitioner has been in custody since 24.09.2022. The trial is unlikely to conclude in the near future as 11 prosecution witnesses still remain to be examined. The petitioner is not involved in any other case under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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.

7. 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.

04.03.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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