



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(231)

CRM-M-5648 of 2024
Date of Decision: 28.11.2024

Amritpal Singh @ Amrit

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P. S. Sekhon, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(ORAL)

1. The petitioner is seeking the concession of bail pending trial under Section 483 of the BNSS/ 439 Cr.P.C. in case FIR No.162 dated 10.08.2023 under Sections 21 and 25 of the NDPS Act, 1985 registered at P. S. City Jagraon, District Ludhiana (Rural).

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 10.08.2023 for being allegedly found in possession of 256 grams of Heroin ; the alleged recovered contraband was weighed along with the polythene bag. It has been asserted by the learned counsel that in the circumstances, if the weight of the bag is excluded, the recovered contraband would fall beneath the minimum classified as commercial under the NDPS Act. It has still further been argued by learned counsel that after the petitioner was arrested on 10.08.2023, *challan* was presented on 30.10.2023 followed by framing of charges on 04.03.2024. However, till date the trial had not



examined. Learned counsel submits that in the aforementioned facts and circumstances, there is no possibility of the trial concluding in the near future and the petitioner, therefore deserves to be enlarged on bail, more so, since he has no previous criminal antecedents.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has it been disputed that as on date only one witness out of the 14 cited by the prosecution has been examined. Learned State counsel has however on instructions, submits that 4 prosecution witnesses have been given up with only 9 prosecution witnesses remaining to be examined. On a further query, on instructions, learned State counsel has not disputed that the petitioner has no previous criminal antecedents.

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

5. After the *challan* was presented on 30.10.2023 and charges framed on 04.03.2024, as conceded by the learned State counsel, only one prosecution witness has been examined and 9 still remain to be examined. The trial is not likely to conclude in the near future. The petitioner has no previous criminal antecedents; 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.

28.11.2024
anil

(MANJARI NEHRU KAUL)
JUDGE

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