

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6564 of 2024
Date of decision: 10th May, 2024

Devi Lal @ Babbu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurpal S. Sandhu, Advocate for the petitioner.

Mr. Amit Rana, Sr. 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.165 dated 17.07.2021 under Sections 15, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Jalalabad, District Fazilka. This is second petition filed by the petitioner.

2. Learned counsel for the petitioner submits that he has been in custody for more than a year, having been arrested on 03.03.2023, and that too on the basis of a disclosure statement allegedly suffered by co-accused, from whom a recovery of 640 grams of poppy husk along with 230 grams of intoxicant tablets was allegedly affected. Learned counsel submits that the evidentiary value of the disclosure statement is of an extremely weak nature and it also needs to be appreciated in the

background of no contraband having been recovered after his arrest in the present case. He has also submitted that in the case at hand, not only has the challan been presented but even charges stand framed, however, there is no likelihood of the trial concluding in the near future as 12 prosecution witnesses still remained to be examined. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Beant Singh, has not been able to dispute the stage of trial and it has also not been controverted that after the petitioner was arrested on 03.03.2023, no recovery of any narcotic substance was affected from him; however, he submits that the alleged recovery had been affected from the real brother of the petitioner. On a pointed query put to the learned State counsel, he on further instructions, submits that the next date of hearing fixed before the trial Court is 13.05.2024 when some more witnesses have been summoned to face trial.

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

5. The petitioner has now been in custody since 03.03.2023; possibility of the trial concluding in the near future looks bleak, hence further incarceration of the petitioner would serve no useful purpose. 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.

6. 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

May 10, 2024
rps

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