

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

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2024:PHHC:037576

CRM-M-6760-2024

Date of decision: March 15th, 2024

Ankit Bhatti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Navdeep Singh, 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.329 dated 06.12.2023 under Section 21 of the NDPS Act (Section 29 of the NDPS Act added later on) registered at Police Station Civil Lines Batala.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been in custody since 06.12.2023 for allegedly possessing 25 grams of heroin (non-commercial quantity) when he was apprehended on suspicion by the police. Learned counsel submits that the false implication of the petitioner stands evidenced from the fact that while effecting the alleged recovery, go-by was given to the mandatory provisions of the NDPS Act, which without doubt, raised a big question mark about the veracity of the prosecution version brought forth against him. Learned counsel has submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. It has been further submitted that till date challan

has also not been presented and hence, there is no possibility of the trial concluding in the near future.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions from ASI Sukhdev Singh, has informed the Court that no doubt, it was a case of chance recovery and even the recovered contraband has been classified as non-commercial under the NDPS Act, however, it has been submitted that since the petitioner was trying to throw away the packet containing the contraband, he was immediately nabbed at the spot by the police and hence, the mandatory provisions of Section 50 of the NDPS Act could not be complied with. It has also been submitted that the matter is still pending investigation as one of the co-accused, who allegedly supplied the contraband to the petitioner, has still not been arrested.

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, there is no likelihood of the trial concluding in the near future, coupled with the fact, as not disputed by the learned State counsel, since the petitioner has clean 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 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 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.

March 15th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No