

CRM-M-8492-2024

Date of decision:22.02.2024

Ajay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Yaseen Sethi, Advocate for the petitioner.
Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 439 of the Cr.P.C. in case FIR No. 115 dated 23.05.2023 under Sections 21, 25, 29 of NDPS Act and Sections 25, 27 of Arms Act, 1959 (added later on) and Sections 21(b), 21(c), 27-A of NDPS Act added at the time of framing of charges registered at Police Station-Jandiala, District Amritsar, Punjab.
2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand; recovery of 100 gms of Heroin (non-commercial) was allegedly seized when he and co-accused were travelling together in a car. Learned counsel submits that the petitioner has clean antecedents which further lends credence to his

false implication in the case is hand. It has been submitted that after the petitioner was arrested on 23.05.2023 not only had the challan been presented but even charges framed however the prosecution evidence had not yet commenced. Learned counsel further submits that since 17 prosecution witnesses have been cited the possibility of the trial concluding in the future is bleak.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Chanchal Masih has informed the Court that a packet containing 100 gms of Heroin was recovered from inside the car which was lying next to the hand brake. He has however not disputed that the recovered contraband is less than the commercial quantity as per the NDPS Act. It has also not been disputed, on instructions, that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act.

4. On a pointed query put to learned State counsel, he has informed the Court that the next date fixed before the trial Court is 15.03.2024 when the prosecution evidence is likely to commence.

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

6. The investigation in hand is complete. The petitioner is not stated to be involved in any other criminal case much less under the

NDPS Act. The recovery effected has also not been classified as commercial under the NDPS Act.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. 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.

9. 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.

10. 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.

22.02.2024

Divyanshi

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No