



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-9557-2024

Date of decision: 09.05.2024

Mukesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Maninder Singh Saini, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.77 dated 01.06.2023 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Doraha.

2. Learned counsel for the petitioner submit that in a blatant case of false implication he has now been in custody since 01.06.2023 for having allegedly been found in possession of 99 strips of tablets containing Paracetamol, Dicyclomine Hydrochloride and Tramadol Hydrochloride. In support, learned counsel has drawn the attention of this Court to the FSL report annexed as Annexure P-3. Learned counsel submits that the petitioner had been asked by the police to carry some 'barricades' in his commercial vehicle and since the petitioner failed to oblige the police officials, they planted the alleged recovery on him. It



has also been submitted that it is a matter of record that the petitioner has no criminal antecedents much less being involved in any other case under the NDPS Act. Investigation in the case at hand is complete as challan has been presented and the charges also stand framed on 09.01.2024. However, since none of the 09 prosecution witnesses have been examined till date, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Jarnail Singh, has submitted that the petitioner was caught carrying the contraband on suspicion; he was walking on foot when he was apprehended leading to the recovery of 99 strips of tablets containing Paracetamol, Dicyclomine Hydrochloride and Tramadol Hydrochloride. Learned State counsel has, however, not been able to dispute the stage of trial or even the report of the FSL which has been annexed as Annexure P-3. It has also not been disputed by the learned State counsel, on instructions, that the petitioner is not involved in any other criminal case much less under the NDPS Act.

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

5. The likelihood of the trial concluding in the near future does not seem possible as none of the prosecution witnesses have been examined till date. The petitioner concededly has no criminal antecedents. 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.

09.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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