



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

1. CRM-M No.10797 of 2024

Rahul @ Manu

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.24841 of 2024

Vishal Singh @ Bata

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 18th July, 2024

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vaibhav Narang, Advocate
for the petitioner in CRM-M-10797-2024.

Mr. Ramnish Puri, Advocate
Legal Aid Counsel for the petitioner in CRM-M-24841-2024.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.144 dated 20.08.2023 under Sections 21, 23, 29, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 (Sections 307, 353, 186 IPC added later on) registered at Police Station Gharinda, District Amritsar Rural. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order.



2. Learned counsel for the petitioners submit that they have been in custody since 20.08.2023 in a case of false implication; the alleged recoveries affected from the petitioners i.e. 40 grams and 60 grams of Heroin respectively have been planted upon them by the police; the petitioners have clean antecedents as they have never been involved in any other criminal case much less under the NDPS Act. It has been argued by learned counsel for the petitioners that though the alleged recoveries have been falsely planted upon the petitioners, however, even assuming for the sake of arguments that they were indeed apprehended with the recovered contraband, the same falls within non-commercial quantity. It has also been submitted that since challan has already been presented and charges framed, further incarceration of the petitioners would serve no useful purpose as none of the 13 prosecution witnesses cited have been examined so far. A prayer has therefore, been made for extending the concession of bail to the petitioners as possibility of the trial concluding in the near future seems unlikely.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Daljit Singh, has submitted that a secret information was received qua the involvement of the petitioners in drug trafficking and it was only pursuant thereto both the petitioners were apprehended at the spot along with the recovered contraband. Learned State counsel has not been able to dispute that the recovered contraband indeed fell within the non-commercial quantity and furthermore, the petitioners have no criminal antecedents. On a further query put to the learned State counsel, he on instructions, has not disputed the stage of the trial and has further



submitted that the next date of hearing fixed before the trial Court is 18.10.2024 when the prosecution evidence is likely to commence.

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

5. The petitioners have now been in custody since 20.08.2023. The alleged recovery falls within the intermediary quantity. The petitioners are not involved in any other criminal case much less under the NDPS Act. Trial will take considerable time to conclude since none of the 13 witnesses cited by the prosecution have been examined so far. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioners. Both the petitions, as such, are allowed and the petitioners are 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, in case the petitioners misuse 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

July 18, 2024
rps

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