



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

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CRM-M-13373-2024

Date of decision: 20.05.2024

Rakesh Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishu Mahajan, 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.246 dated 19.11.2023 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Gharinda, Amritsar.

2. Learned counsel for the petitioner submits that even as per the admitted case of the prosecution no recovery of any contraband was effected from the petitioner. While drawing the attention of this Court to the allegations levelled in the FIR, learned counsel has submitted that the petitioner was just shown to be standing next to co-accused Simranjit Singh along with one other person when the police party apprehended them on suspicion; thereafter a recovery of 365 grams of heroin was allegedly effected not from the petitioner but from the right pocket of the trousers of co-accused Simranjit Singh. Learned counsel



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has submitted that the petitioner has clean antecedents which further lends credence to his false implication in the case in hand coupled with the fact that even after he was arrested by the police on 19.11.2023, no recovery of any contraband was effected either from his conscious possession or from any place pursuant to his disclosure statement.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner is not involved in any other criminal case; it has also not been disputed that the alleged recovery of 365 grams of heroin was effected from co-accused Simranjit Singh and no recovery of any contraband was effected from the petitioner.

4. On a pointed query, learned State counsel has submitted that the investigation in the instant case is complete as challan stands presented.

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

6. The possibility of the trial concluding in the near future looks remote as charges are yet to be framed and as many as 11 prosecution witnesses have been cited. Concededly, the petitioner is not involved in any other criminal case much less under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. 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.

8. 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.

20.05.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No