

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15368 of 2024

Date of decision: 10th April, 2024

Amarjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jashandeep S. Sandhu, Advocate for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.06 dated 07.01.2023 under Sections 22(c), 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 of the NDPS Act added later on) registered at Police Station STF Phase IV, District SAS Nagar Mohali.

2. Learned counsel for the petitioner inter alia contends that the petitioner being innocent and having been falsely implicated in the case in hand is evident from the fact that he has clean antecedents; he has never been previously involved in any criminal case much less under the NDPS Act. Learned counsel submits that on the fateful day, the petitioner had just taken a lift in the car of co-accused Manpreet Singh, when on suspicion the police party intercepted the car and

recovered 60 vials of Wincirex cough syrup and 600 intoxicant bottles from a packet which was lying close to the co-accused who was driving the vehicle at the relevant time. Learned counsel further submits that it is a matter of record that the co-accused Manpreet Singh is a man of criminal antecedents and is involved in a number of cases under the NDPS Act. Learned counsel still further submits that after the petitioner was arrested on 07.01.2023, not only the challan had been presented but even charges framed, however, there is no likelihood of the trial concluding in the near future as 19 prosecution witnesses still remained to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Suresh Kumar, has not been able to dispute the stage of the trial. It has also not been disputed that the car, from which the alleged recovery was affected, was in the name of the co-accused Manpreet Singh, who admittedly has criminal antecedents. It has still further not been disputed by the learned State counsel that the petitioner has clean antecedents and it is a case of chance recovery. However, learned State counsel has submitted that the recovered contraband was in fact lying next to the feet of the petitioner, who too was sitting on the front seat of the car in which both the accused were traveling together at the relevant time. Learned State counsel, on further instructions, has informed the Court that the next date of hearing fixed before the trial Court is

26.04.2024 when some more prosecution witnesses have been summoned to depose.

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

5. The petitioner has now been in custody since 07.01.2023. After charges were framed on 15.07.2023, only one prosecution witness has been examined so far, hence, possibility of the trial concluding in the near future looks remote. The petitioner, as conceded by the learned State counsel, is not involved in any other criminal case much less under the NDPS Act. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is 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 here, in case the petitioner misuses 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

April 10, 2024
rps

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