



CRM-M-25494 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-25494 of 2024
Date of Decision: 12.07.2024

Partap Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.19 dated 03.09.2017 under Sections 21, 25 and 29 of the NDPS Act, 1985, registered at Police Station SSOC, District Amritsar.

2. Learned counsel for the petitioner submits that it was only on one date that the petitioner had absented during the trial leading to his bail bonds being cancelled. Subsequently, the petitioner surrendered on 06.04.2024. It has been still further submitted that the petitioner was nabbed by the police with 10 grams of heroin (non-commercial quantity); he is not involved in any other criminal case; trial would take considerable time to conclude as only 02 prosecution witnesses out of 16 stand examined till date.

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3. Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner, on instructions from ASI Aman J. Singh, has not been able to controvert that the petitioner was apprehended by the police along with 10 grams of heroin which has been classified as non-commercial quantity under the NDPS Act. It has also not been disputed by learned State counsel that the petitioner had been granted bail after registration of the FIR in question and had been regularly appearing before the trial Court except for one date i.e. 14.03.2024, when he absented before the trial Court concerned.

4. On a pointed query put to learned State counsel as to whether the petitioner had been involved in any other criminal case after he absented before the trial Court on 14.03.2024, he, on instructions, has replied in the negative. However, it has been argued by learned State counsel that a secret information had been received *qua* the involvement of all the accused including the petitioner in drug trafficking. When the police intercepted the accused, the petitioner managed to flee and subsequently when he was arrested, recovery of 10 grams of heroin was effected from him. Apart from that, learned State counsel has not disputed the stage of the trial.

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

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as the trial would take considerable time to conclude.

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



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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 is found misusing the concession of bail, the State would be at liberty to seek cancellation of bail.

12.07.2024
D.Bansal

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/ reasoned :	Yes/ No
Whether Reportable :	Yes/ No