



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

280

CRM-M-31220-2024

Date of decision: December 17th, 2024

Gursewak Singh @ Sema

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.177 dated 12.08.2023 registered under Sections 22, 27, 29 of the NDPS Act, 1985, at Police Station Dharamkot, District Moga.

2. Learned counsel for the petitioner contends that even though the petitioner was arrested on 12.08.2023 and challan presented thereafter on 30.01.024, it was only as recently as on 11.10.2024 that the charges were framed against him. Learned counsel has submitted that in addition, the alleged recovery of 45 tablets of Etizolam were not affected from the conscious possession of the petitioner but from an envelope, which was lying on the ground. Learned counsel has still further submitted that since the petitioner has no previous criminal antecedents, it points to his false implication in the present case. A prayer has been made for enlarging the petitioner on bail as only one witness out of the 14 cited by the

prosecution has been examined till date, hence, the possibility of the trial concluding in the near future looks remote.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by counsel opposite has submitted that this is the second petition filed by the petitioner for grant of regular bail after the previous petition was withdrawn on 13.02.2024. Learned State counsel, however, has not disputed the custody period of the petitioner nor has he, on instructions from ASI Kuldeep Singh, disputed that it was after ten months of the presentation of the challan that the charges were framed on 11.10.2024; it has also not been disputed that out of the 14 prosecution witnesses, only one witness has been examined. It has still further not been disputed, on instructions, that the petitioner has no previous criminal antecedents. Learned State counsel nevertheless submits, on instructions, that a secret information was received qua the involvement of the petitioner in drug trafficking and it is pursuant to the said information that the petitioner was apprehended from his house and on seeing the police party, he threw away an envelope containing the recovered contraband.

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

5. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. The trial has been proceeding at a slow pace. As not disputed, after the petitioner was arrested on 12.08.2023, it was only on 11.10.2024 that the charges framed against the petitioner. There is no likelihood of the trial concluding in the near future. Hence, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition

is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

6. 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 17th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No