

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

228

2024:PHHC:001912

CRM-M-30548-2023 (O&M)

Date of decision: January 9th, 2024

Deepak

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manmeet Singh Rana, Advocate
for the petitioner.

Mr. A.P.S. Tung, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.304 dated 26.11.2022 under Sections 21, 22-C, 21-B and 29 of the NDPS Act registered at Police Station Special Task Force, STF Wing, Phase-4, District S.A.S. Nagar.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand for having allegedly been found in possession of 15 grams of heroin (non-commercial quantity) on 26.11.2022. It has been further submitted that after the challan was presented, charges were framed on 09.10.2023, however, none of the 22 witnesses cited by the prosecution had been examined till date. Hence, there was no likelihood of the trial concluding in the near future. Learned counsel has submitted that in the aforementioned facts and circumstances, his further incarceration would serve no useful

purpose, more so when it is a matter of record that the petitioner is not involved in any other case under the NDPS Act.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the quantity of the recovered contraband i.e. 15 grams of heroin. It has also not been disputed that after the charges were framed, the trial has not progressed any further and none of the 22 prosecution witnesses have been examined. It has also not been disputed that the petitioner is not involved in any other case under the NDPS Act, however, learned state counsel has submitted that the petitioner is involved in two other criminal cases for various offence under The Indian Penal Code.

4. On a pointed query put to the learned State counsel as to whether the petitioner is on bail in the other two criminal cases, which stand registered against him, he on instructions, has replied in the negative.

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, keeping in view the recovery of small quantity of contraband effected from the petitioner, coupled with the fact that he has concededly not involved in any other case under the NDPS Act, this Court deems it fit to extend the concession of bail to the petitioner.

7. The instant petition is allowed. The petitioner be admitted to bail 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 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.

January 9th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No