



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-30079-2024

Date of decision: 30.07.2024

Harsimran Singh @ Mintu

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harpreet S. Rakhra, Advocate with
Ms. Gurvinder Kaur, 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.166 dated 16.09.2023 under Sections 21(b), 25, 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Sections 21(c), 29 of the NDPS Act added in the challan) registered at Police Station Cantonment, Amritsar.

2. Learned counsel for the petitioner submits that a false case has been planted upon the petitioner only on the allegations that he had been managing the finances of the co-accused who was involved in drug trafficking. It has been submitted that the petitioner has clean antecedents and it is a matter of record that he has never been involved in any other criminal case much less under the NDPS Act. It has also been submitted that the disclosure statement of co-accused Gurwinder



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Singh, on the basis of which he has been nominated as an accused, has very weak evidentiary value and has to be appreciated in the light of the petitioner's clean antecedents. Still further, it has been urged that no recovery of any contraband was effected from the petitioner which further lends credence to his false implication in the present case. Learned counsel has thus prayed for being extended the concession of bail as not only challan stands presented but even charges have been framed. However, it has been asserted that in the aforementioned facts and circumstances, the trial would take considerable time to conclude as none of the 22 prosecution witnesses have been examined till date.

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's name surfaced in the disclosure statement of co-accused Gurwinder Singh, who too was nominated as an accused in the disclosure statements of co-accused Gurjit Singh from whom recovery of 50 grams of heroin was effected. Learned State counsel has not disputed that no recovery of any contraband was effected from the petitioner and the charges already stand framed. He, however, submits that a recovery of Rs.5 lakhs was effected from the petitioner which clearly indicated his links with the co-accused from whom the alleged contraband was effected. Learned State counsel has further submitted that the next date fixed before the learned Trial Court is 13.09.2024 when prosecution evidence is likely to commence.

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



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5. The petitioner has been in custody since 10.01.2024. As not disputed by the learned State counsel, no recovery of any contraband was effected from the petitioner and his name surfaced in the second disclosure statement made by co-accused Gurwinder Singh, who too, had been nominated as an accused in the disclosure statement suffered by co-accused Gurjit Singh, from whom the alleged recovery of contraband was effected. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. Prosecution evidence is due to commence on 13.09.2024. As many as 22 prosecution witnesses have been cited, hence, the trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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.

7. 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.

30.07.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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