



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

293

CRM-M-35606-2024

Date of decision: 03.09.2024

Vinay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahi Mehra, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab and
Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.112 dated 30.07.2022 under Sections 22(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 411 of the IPC, 1860 registered at Police Station Jhabhal, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner was arrested way back on 30.07.2022 after being nabbed along with co-accused Harjinder Singh on suspicion and thereafter a recovery of 1120 tablets of Tramadol weighing 290 grams of (just marginally higher than the minimum classified as commercial under the NDPS Act) was shown to have been effected from the petitioner. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case which is apparent from the fact

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that he has no criminal antecedents much less involvement in any case under the NDPS Act. It has also been submitted by the learned counsel for the petitioner that after being arrested on 30.07.2022, he was extended the concession of interim bail by a Coordinate Bench of this Court on 23.11.2022 to await the report of the FSL. During the time when he remained on interim bail, he had not misused the said concession and had duly surrendered back before the learned Trial Court in September, 2023. It has been further submitted that since investigation in the present case is complete and charges also framed, further incarceration of the petitioner would serve no useful purpose, moreso when co-accused Harjinder Singh, who was allegedly pillion riding behind him when they both were nabbed by the police, has been extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Jatinder Singh, has not been able to dispute the stage of trial and neither has it been disputed that identically placed co-accused Harjinder Singh had indeed been enlarged on bail by this Court vide order dated 08.07.2024. However, it has been submitted by the learned counsel for the State that co-accused Harjinder Singh had been extended the concession of bail on account of his long incarceration and the trial coming to a standstill after the charges were framed on 25.10.2023. However, learned State counsel on instructions has submitted that now fresh additional charges have been framed against the petitioner.

4. On a pointed query put to the learned State counsel as to

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whether the petitioner is involved in any other criminal case, he, on instructions has replied in the negative. On a further query as to how many witnesses have been cited by the prosecution, learned State counsel on instructions has submitted that 14 witnesses have been cited and the next date fixed before the learned Trial Court is 04.09.2024 when the prosecution evidence is likely to commence.

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

6. The petitioner, as not disputed by the learned State counsel, is not involved in any other criminal case; the alleged recovery is just marginally higher than the minimum classified as commercial under the NDPS Act. 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.

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 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 misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

03.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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