



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

CRM-M No.40410 of 2024

Date of decision: 22nd October, 2024

Chamkaur Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pardeep S. Mirpur, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the BNSS 2023 in case FIR No.185 dated 04.10.2023 under Sections 22-C, 27, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Budhlada, District Mansa.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 04.10.2023 in a case of false implication. He submits that 2100 tablets of Lomotil were planted upon the petitioner. It has still further been contended by the learned counsel that after the challan was presented, charges were framed on 27.03.2024, however, the trial had not made much headway as none of the 17 prosecution witnesses had been examined till date, hence, the possibility of the trial

concluding in the near future did not arise, for which the petitioner deserves to be extended the concession of bail, more so when he does not have any previous criminal antecedents.

3. It has also been brought to the notice of this Court by the learned counsel for the petitioner that co-accused Sunil Kumar has since been extended the concession of bail vide order dated 18.12.2023 (Annexure P-3). A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that a huge recovery, much higher than the minimum classified as commercial under the NDPS Act, was affected from the petitioner; the said recovery was affected after due compliance of the mandatory provisions of the Act and hence, there was no question of the petitioner's false implication in the present case. It has also been submitted, on instructions, that the petitioner cannot claim parity with co-accused Sunil Kumar since the said co-accused was not present with the petitioner at the time of the alleged recovery but came to be nominated as an accused pursuant to a disclosure statement allegedly suffered by the petitioner himself.

5. Learned State counsel, on further instructions, has submitted that after charges were framed on 27.03.2024, the case had been adjourned only on one date and the next date of hearing fixed before the

trial Court is 06.11.2024 when the recording of prosecution evidence is likely to commence. He submits that in the circumstances, there is every possibility that the trial would not take much time to conclude.

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

7. A huge recovery of 2100 tablets of Lomotil, much higher than the minimum classified as commercial under the NDPS Act, is alleged to have been affected from the petitioner. Trial has been proceeding at a considerably good pace and in the circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 22, 2024
rps

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