

CRM-M-44401-2024
Decided on : 14.10.2024

..... Petitioner

Versus

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Status report by way of an affidavit of DSP, Sub Division Jandiala, Amritsar filed on behalf of respondent-State in Court today is taken on record subject to all just exceptions.

Main case

1. This is the petition filed by the petitioner under Section 482 of BNSS, 2023 seeking concession of regular bail in case FIR No.04 dated 06.01.2024 under Sections 21-C, 27-A, 29, 25 of NDPS Act, 1985 and Section 489 of IPC registered at Police Station Jandiala District Amritsar Rural, Amritsar.

2. Learned counsel for the petitioner submits that on the face of it, a false and fabricated case has been planted upon the petitioner. Learned counsel has further submitted that the petitioner has no previous criminal antecedents and on being arrested on 06.01.2024, no recovery of



any contraband much less heroin was affected from him. It has also been submitted that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Gurpreet Singh @ Gopi from whom recovery of 2 kgs of heroin and Rs.1,75,100/- of drug money was allegedly affected pursuant to a secret information received. Learned counsel for the petitioner has still further submitted that the investigation in the present case is complete as challan stands presented; further incarceration of the petitioner would serve no useful purpose as there is no likelihood of the trial concluding in the near future more so, when charges have not yet been framed and as many as 16 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner has not disputed the custody period of the petitioner as well as stage of trial. It has also not been disputed by the learned State counsel that no recovery of any contraband was affected from the petitioner on being arrested on 06.01.2024 and the petitioner has no previous criminal antecedents. However, on instructions, learned State counsel has submitted that co-accused Gurpreet Singh @ Gopi and the petitioner were found sitting together; co-accused Gurpreet Singh @ Gopi during his interrogation suffered a disclosure statement that the petitioner was also his accomplice.

4. On a pointed query put to the State counsel as to whether any secret information had been received qua the petitioner's involvement in the drug trafficking, 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. The petitioner has been in custody since 06.01.2024. The investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are likely to be framed on the next date of hearing i.e. 12.11.2024. As not disputed by the learned State counsel, no recovery of any contraband was affected from the petitioner coupled with the fact that he does not have any previous criminal antecedents.
7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. 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.
8. 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.
9. 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.

14.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

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