



CRM-M-47214-2024

-1-

236

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

CRM-M-47214-2024

Decided on : 21.11.2024

Lovepreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Savreet Singh Brar, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

In compliance of order dated 16.10.2024, status report by way of an affidavit of DSP, Sub Division Faridkot, District Faridkot filed on behalf of respondent-State in Court today, is taken on record.

Main case

1. This is the fourth petition filed by the petitioner seeking concession of regular bail in case FIR No.31 dated 13.04.2022 under Sections 22(c) of NDPS Act, 1985 (Section 29 of NDPS Act added later on) registered at Police Station Sadiq District Faridkot.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 13.04.2022 and the possibility of the trial concluding in the near future does not arise as during the



CRM-M-47214-2024

-2-

pendency of trial one co-accused Amit Kumar was arrested on 22.05.2024 leading to a supplementary challan presented against him on 28.06.2023. Learned counsel has submitted that in the circumstances, a fresh trial has commenced all over again. It has also been submitted by the learned counsel that prior to the supplementary challan being presented against co-accused Amit Kumar, 9 prosecution witnesses out of 24 cited had been examined. However, subsequently, three witnesses have been examined, six given up with 15 prosecution witnesses still remaining to be examined. It has further been argued by the learned counsel that the petitioner has been falsely implicated in the present case and a highly improbable version has been brought-forth that while he was walking along with the co-accused, he was apprehended on suspicion leading to the recovery of 2120 tablets of Tramadol from him and another recovery of 1920 tablets of Tramadol from the co-accused. It has still further been submitted by the learned counsel that the petitioner's false implication in the present case finds support from the fact that he has no previous criminal antecedents much less ever being involved in a case under the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Nachatar Singh, has neither disputed the custody period of the



petitioner at the petitioner nor has he disputed the stage of trial. However, it has been submitted by the learned State counsel, on instructions, that the recovery affected from the petitioner and the co-accused has been classified as commercial under the NDPS Act. It has still further been submitted that next date of hearing fixed before the trial Court is 25.11.2024 when some of the remaining 15 prosecution witnesses are likely to be examined.

4. On a further query put to the learned State counsel, he, on instructions, has not disputed that the petitioner has no previous criminal antecedents and he is facing trial only in the present case.

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

6. The petitioner has been in custody since 13.04.2022. Prior to the arrest of co-accused Amit Kumar (alleged supplier of said contraband), as many as 9 witnesses had been examined out of the 24 cited. However, thereafter the evidence was recorded all over again and as on date, 15 prosecution witnesses still remain to be examined. The trial is, therefore, unlikely to conclude in the near future.

7. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has no previous criminal antecedents, 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.



CRM-M-47214-2024

-4-

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.

21.11.2024
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(MANJARI NEHRU KAUL)
JUDGE

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