



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-51516-2024

Date of decision: 05.12.2024

Ravinder Singh alias Gaggu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Divyadeep Walia, 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 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0134 dated 09.12.2023 under Sections 21(b), 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Dhariwal, District Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 09.12.2023 in an apparent case of false implication. The petitioner and the co-accused, as per the case of the prosecution were apprehended on suspicion, leading to the recovery of 20 grams of heroin from co-accused Bikramjit Singh, weighing scale from co-accused Hitesh and Rs.4,000/- from the petitioner. Learned counsel has asserted that no recovery of any contraband, much less heroin, was effected from the petitioner after he was allegedly apprehended by the police. It has also been argued by the learned



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counsel that since the petitioner has no previous criminal antecedents, it lends credence to his false implication in the present case. Learned counsel, therefore, prays that in the aforementioned facts and circumstances, moreso when investigation is complete, charges stand framed and only 02 prosecution witnesses out of the 16 have been examined till date, the petitioner be granted the concession of bail as the trial is unlikely to conclude in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Ranjit Singh, has not disputed the custody period of the petitioner nor has it been disputed that no recovery of any contraband was effected from the petitioner when the police party chanced upon all the three accused. The stage of the trial has also not been disputed. Learned State counsel has, however, submitted that since all the accused were standing together when they were nabbed by the police and a recovery of 20 grams of heroin was effected from co-accused Bikramjit Singh, it left no manner of doubt that the petitioner was also involved in drug trafficking. On a pointed query, learned State counsel has not disputed that the petitioner has no previous criminal antecedents and has placed on record his custody certificate wherein also the factum of the petitioner not being involved in any other criminal case stands reflected.

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

5. As not disputed, no recovery of any contraband was



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effected from the petitioner, who has no previous criminal antecedents. Only 02 prosecution witnesses have been examined till date with 14 others remaining to be examined, the trial would, therefore, 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.

05.12.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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