



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

CRM-M No.50524 of 2024
Date of decision: 2nd December, 2024

Kishal @ Makka Masih
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parivartan Singh, 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 439 Cr.P.C. in case FIR No.34 dated 29.03.2024 under Sections 22(B), 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kalanaur, District Gurdaspur.
2. Learned counsel for the petitioner submits that false implication of the petitioner in the present case is evident from the fact that although secret information was received qua his involvement in the present case, however, when he was allegedly apprehended along with co-accused on 29.03.2024 by the police, no recovery of any contraband was affected from him and instead only a recovery of ₹3,000/- was shown to have been made from the petitioner. It has been further submitted that 200 loose intoxicant tablets were alleged to have been

recovered from co-accused Ravi Masih, who has since been enlarged on bail by this Court vide order dated 27.11.2024 since the alleged recovery from the co-accused had been classified as non-commercial. It has further been asserted by the learned counsel that since investigation in the present case is complete and charges stand framed, further incarceration of the petitioner would serve no useful purpose, more so, when even after the petitioner was arrested, no recovery of any contraband was alleged to have been affected from him pursuant to any of his disclosure statements.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner, nor has the stage of trial been disputed. It has also not been disputed by the learned State counsel, on instructions, that no recovery of any contraband was affected from the petitioner and the alleged recovery of 200 intoxicant tablets (non-commercial quantity) was affected from co-accused Ravi Masih, who has since been enlarged on bail. It has also been brought to the notice of this Court that the other persons, who were alleged to be accompanying the petitioner, had since been enlarged on bail as no recovery of any contraband was affected from them.

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

5. The petitioner has now been in custody since 29.03.2024. As many as 7 prosecution witnesses have been cited, however, none has

been examined till date. The next date of hearing fixed before the trial Court is 05.12.2024 when the prosecution evidence is likely to commence. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

December 2, 2024
rps

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