

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.54690 of 2023
Date of decision: 15th January, 2024

Mahavir Goyal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam S. Gill, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. 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.43 dated 24.04.2021 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ghanaur, District Patiala. This is the fifth petition filed by the petitioner.

2. Learned counsel for the petitioner inter alia contends that despite having been arrested on 24.04.2021 on the allegations of having been found in possession of 18 injections of Leegesic (containing salt Buprenorphine Hydrochloride), the trial had not concluded as only 5 prosecution witnesses have been examined till date. Learned counsel submits that the recovery effected from the petitioner has been classified as non-commercial under the NDPS Act. It has also been submitted that

the co-accused Lalit Kumar was also accompanying him in the vehicle when he was allegedly intercepted by the police and nabbed with the recovered contraband. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that after challan was presented on 05.08.2021, only 5 witnesses out of the 10 cited by the prosecution had been examined so far. Learned State counsel, however, submits that the recovery effected from the petitioner has been classified as commercial though it is just marginally above the minimum prescribed under the commercial category. He has further submitted that the next date of hearing fixed before the trial Court is 16.01.2024 when some more prosecution witnesses are likely to be examined.

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

5. The petitioner has been languishing in custody for almost two years and eight months now and the trial shall take considerable time to conclude as only 5 witnesses out of the 10 cited by the prosecution have been examined so far. 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

January 15, 2024
rps

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