

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-55011-2023

Date of decision: 25.01.2024

Subhash Chand @ Bhasi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0156 dated 31.08.2023 under Sections 21(a)/27(a) and Section 29 (added lateron) 21-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Dinanagar, Tehsil and District Gurdaspur.

2. Affidavit of Aditya Warriar, IPS, Assistant Superintendent of Police, Dinanagar, District Gurdaspur, has been filed in the Court today which is taken on record subject to all just exceptions.

3. Learned counsel for the petitioner inter alia contends that a false recovery of 5 grams of heroin (small quantity) has been planted upon the petitioner; his false implication in the instant case is evident from the fact that he has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. Learned counsel further submits that after he was arrested on 31.08.2023, investigation

stands completed as even challan has been presented before the Trial Court. Learned counsel has still further submitted that as many as 12 prosecution witnesses have been cited, hence, there is no likelihood of the trial concluding in the near future as even charges have not yet been framed.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Gurmej Singh, has not been able to dispute the quantum of recovery allegedly effected from the petitioner which had been classified as 'small' under the NDPS Act. It has also not been disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act. Learned State counsel further submits that the case is fixed today before the Trial Court for framing of charges.

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

6. The trial is going to take considerable time to conclude as charges have not yet been framed. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. 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.

8. 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.

25.01.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No