

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-57370-2023
Date of Decision.:24.01.2024

Francis @ Frank Nawali
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mohit Giri, Advocate for
Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab
assisted by ASI Mewa Singh.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.72 dated 25.08.2023 registered under Section 21/22/29 NDPS Act & Section 25 of Arms Act registered at Police Station Dhakoli, District SAS Nagar.

2. As per prosecution allegations, on 25.08.2023 on the basis of secret information co-accused Nitish Bishnoi, Saleem and Abhijit Dhiman were apprehended and from their possession 07 grams each of Cocaine, pistol besides some drug money were recovered. During investigation, co-accused Nitish Bishnoi nominated the petitioner Francis @ Frank Nawali and Deepak Gupta to be supplier of the narcotic powder. Present petitioner was then arrested on 29.08.2023 and 70 grams of narcotic powder i.e. Cocaine was recovered from him.

3. It is contended by learned counsel that co-accused Nitish Bishnoi has already been allowed bail by this Court vide order dated

02.11.2023 passed in CRM-M-52665-2023. Another co-accused Saleem was also allowed bail vide order dated 07.11.2023 passed in CRM-M-54668-2023. Learned counsel further contends that recovery from the petitioner falls in non-commercial category but the learned Sessions Court, has clubbed the recovery of all the co-accused to make it a case of commercial category.

4. Status report by way of an affidavit of Shri Bikramjit Singh Brar, PPS, Deputy Superintendent of Police, Zirakpur, District S.A.S. Nagar has been filed on behalf of respondent- State.

5. Learned State counsel does not dispute the fact that recovered quantity of contraband from the petitioner falls in the non-commercial category. As per the custody certificate placed on record by learned State counsel, petitioner is in custody for the last 04 months and 23 days, though he is involved in one more case.

6. Having regard to the above facts and circumstances, particularly the fact that recovered quantity falls in the non-commercial category but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

January 24, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No