



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

251**CRM-M-55750-2024****Date of decision: 09.12.2024**

Sanjeev Kumar Naib

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Rajiv Kumar Saini, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.95 dated 12.09.2024 under Sections 21, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Fatehgarh Churian, Police District Batala, Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 12.09.2024 in a case of false implication; no secret information was received qua the involvement of the petitioner in drug trafficking and instead he was allegedly apprehended on suspicion. Learned counsel submits that a recovery of 130 gms. of heroin (non-commercial) has been planted upon the petitioner, who has no previous criminal antecedents. A prayer has, therefore, been made for extending the concession of bail to the petitioner since investigation is complete and challan also stands presented.



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 the quantity of the alleged recovery from the petitioner. On further instructions, learned State counsel has not disputed that the petitioner has no previous criminal antecedents. However, learned State counsel, on instructions, has submitted that the petitioner was nabbed on suspicion and after due compliance of all the mandatory provisions recovery of 130 gms. of heroin was affected from the petitioner. It has been further submitted that the next date fixed before the trial Court is 11.12.2024 when charges are likely to be framed. Learned State counsel, on instructions, has further contended that as many as 10 witnesses have been cited by the prosecution.

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

5. The petitioner was allegedly nabbed on suspicion leading to a recovery of 130 gms. of heroin which has been classified as non-commercial under the Act. The petitioner has no previous criminal antecedents; challan stands presented, however, there has been no further progress in the trial as charges are yet to be framed. The possibility of the trial concluding in the foreseeable future looks remote as 10 prosecution witnesses have been cited.

6. 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 and 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.

9. 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.

(MANJARI NEHRU KAUL)
JUDGE

December 09, 2024
poonam

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