



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

CRM-M No.61244 of 2023
Date of decision: 30th July, 2024

Shahbaz Singh @ Sahu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Navdeep Singh, 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.53 dated 22.09.2023 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 registered at Police Station Patara, District Jalandhar.

2. Learned counsel for the petitioner inter alia contends that though a false case has been planted upon the petitioner, however, even as per the prosecution, the petitioner was apprehended on suspicion and the alleged recovery affected from the petitioner was 210 grams of Heroin, which is less than commercial quantity under the NDPS Act. It has further been submitted that no doubt the petitioner has earlier been involved in some criminal cases, however, it is a matter of record that he



had earned an acquittal in one criminal case i.e. FIR No.34 dated 06.03.2014, which was registered against him under Sections 302, 148, 149, 482, 120-B of the IPC and Section 25/54/59 of the Arms Act, 1959 whereas the matter already stands compromised between the parties in FIR No.275 dated 24.12.2018 registered under Sections 323, 341, 506, 201, 34 IPC; in the other criminal cases, which are pending, the petitioner is already on bail. Learned counsel submits that since investigation is complete as charges also stand framed, further incarceration of the petitioner would serve no useful purpose as 7 prosecution witnesses out of the 9 cited still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the stage of the trial. It has also not been disputed that the recovery of contraband allegedly affected from the petitioner was below the commercial quantity. Learned State counsel has also not disputed that the petitioner is not involved in any other case under the NDPS Act. However, he, on instructions, has further submitted that along with the recovery of contraband, the petitioner was also armed with a pistol and 5 live cartridges.

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 22.09.2023 and there is no likelihood of the trial concluding in the near future as only 2 witnesses out of the 9 cited by the prosecution have been examined so far. In the facts and circumstances, as enumerated hereinabove coupled with the factum of non-commercial quantity of contraband recovered, 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

July 30, 2024
rps

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