



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-61553-2023

Date of decision: 18.09.2024

Robin @ Roma

.....Petitioner

Versus

U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. P.P., U.T., Chandigarh.

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.83 dated 18.07.2023 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Maloya, District Chandigarh.

2. Learned counsel for the petitioner has, at the outset, drawn the attention of this Court to the FSL report which has been annexed as Annexure P-2 and submitted that the recovered contraband was found to be heroin and in the circumstances, the recovery effected of 60.43 grams would classify as non-commercial under the NDPS Act. Learned counsel has argued that the petitioner has now been in custody since 18.07.2023; not only has challan been presented and charges framed but even seven prosecution witnesses given up, with only one prosecution witness having been examined till date, hence, the



CRM-M-61553-2023

possibility of the trial taking some time to conclude cannot be ruled out. Learned counsel submits that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose and he deserves to be extended the concession of bail.

3. Per contra, learned standing counsel for U.T., Chandigarh while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute the findings of the FSL report which has been annexed as Annexure P-2. He has also not been able to dispute the stage of trial and the custody period of the petitioner. However, learned standing counsel for U.T., Chandigarh has placed on record the custody certificate of the petitioner and submitted that the petitioner is involved in two other criminal cases which includes one case under the NDPS Act.

4. On a pointed query as to whether the petitioner is in custody in the other case registered against him under the NDPS Act, learned counsel for the petitioner has stated at the bar that the petitioner has been enlarged on bail in the said case.

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

6. The petitioner has been in custody since 18.07.2023. The trial is unlikely to conclude in the near future as eight prosecution witnesses still remain to be examined. The recovered contraband, as not disputed by the learned State counsel, i.e. 60.43 grams of heroin has been classified as non-commercial under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to

**CRM-M-61553-2023**

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.

18.09.2024

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**(MANJARI NEHRU KAUL)
JUDGE**

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