



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-59921-2024
Date of decision: December 4th, 2024

Gurdarshan Singh
.....Petitioner

Versus

Union of India
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. P.S. Hundal, Senior Panel Counsel, for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in Crime No.15 dated 09.07.2024 under Sections 8, 18, 23, 29 of the NDPS Act, registered at Police Station NCB, Chandigarh.

2. Learned counsel for the petitioner submits that the petitioner, who has no previous criminal antecedents much less ever being involved in any case under the NDPS Act, has now been in custody since 09.07.2024 in a case of false implication; a recovery of 478 grams of opium was allegedly affected from a parcel, which was sent through courier by co-accused Tarsem Singh, who has since been extended the concession of bail by this Court vide order dated 11.11.2024. Learned counsel has argued that none of the 16 witnesses cited by the prosecution have been examined till date, hence, the trial is unlikely to conclude in the near future, for which the petitioner deserves to be extended the concession of bail, more so when no recovery of any contraband was affected from him after he was arrested by the NCB.

3. *Per contra*, learned standing counsel for NCB has submitted that no doubt, the alleged recovery of 478 grams of opium has been classified as non-commercial under the NDPS Act, however, it had been concealed in two cardboxes and were to be thereafter couriered by the co-accused, including the petitioner; it was the courier company which intimated the investigating agency about the contraband, which had been booked through them and packed into cardboxes. Learned counsel has, however, not disputed that the petitioner has no previous criminal antecedents.

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

5. The investigation in the present case is complete, however, the trial would take some time to conclude as none of the prosecution witnesses have been examined till date; the next date fixed before the trial Court is 12.12.2024 when in all likelihood, recording of the prosecution evidence is likely to commence.

6. In the facts and circumstances as enumerated hereinabove, 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 4th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No