



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

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CRM-M-61414-2024 (O&M)

Date of decision: 17.12.2024

Rajdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, 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 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in case FIR No.71 dated 26.09.2024 under Section 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Cantt., Bathinda, District Bathinda.

2. Learned counsel for the petitioner contends that the petitioner's false implication in the present case is evident from the fact that he has no previous criminal antecedents, much less, ever having involved in a case under the NDPS Act. It has also been submitted that the petitioner was allegedly nabbed on suspicion and thereafter a recovery of 2 kgs of opium (non-commercial quantity) was effected from his car. Learned counsel has asserted that since investigation in



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the present case is complete, hence, further incarceration of the petitioner would serve no useful purpose as charges are yet to be framed coupled with the fact that as many as 15 witnesses have been cited by the prosecution, which leaves no manner of doubt that the trial would take considerable time to conclude. A prayer has, therefore, been made to extend the concession of bail to the petitioner, who has now been in custody since 26.09.2024.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from Inspector Daljeet Singh, has not disputed the custody period of the petitioner nor has he disputed that the investigation qua the petitioner is complete and even challan stands presented.

4. On a pointed query, learned State counsel on instructions has not disputed that the petitioner has no previous criminal antecedents and the alleged recovery made from him has been classified as 'non-commercial' under the NDPS Act.

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

6. The petitioner was allegedly apprehended on suspicion and thereafter a recovery of 2 kgs of opium, which has been classified as 'non-commercial' under the NDPS Act, was effected from him. The trial is unlikely to conclude as charges are likely to be framed only on the next date of hearing i.e. 20.12.2024. As many as 15 prosecution witnesses have been cited, hence, the possibility of the trial concluding in the foreseeable future looks remote. In the facts and circumstances as



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enumerated hereinabove, this Court deems it fit to 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.

9. Pending applications, if any, stand disposed of.

17.12.2024

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(MANJARI NEHRU KAUL)
JUDGE

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