



243.

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

CRM-M-7477-2025

Date of decision: 04.03.2025

Sultan Ali @ Rishab

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam Singh Gill, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail, filed under Section 483 of BNSS, in case FIR No.16, dated 30.04.2023, under Section 15 of NDPS Act, 1985, registered at Police Station City Kurali, District SAS Nagar.

Learned counsel for the petitioner submits that the petitioner has no previous criminal antecedents and was arrested along with the co-accused on suspicion. Learned counsel further submits that, thereafter a false recovery of 100 kgs of poppy husk was planted upon the petitioner. It has been contended that even though the challan was presented way back on 29.08.2023 and charges framed on 20.11.2023, the trial had not concluded yet and hence, the petitioner deserves to be enlarged on bail, more so when identically placed co-accused, who too was apprehended along with the petitioner, has already been admitted to bail on account of inordinate bail in the conclusion of the trial.



Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner has been in custody since 30.04.2023 and identically placed co-accused, who too was allegedly apprehended along with the petitioner has already been granted the concession of bail by this Court vide order dated 08.01.2025 (Annexure P-5). Learned State counsel has, however, submitted, on instructions, that the recovery of 100 kgs of poppy husk was made from the car in which the petitioner along with the co-accused were travelling. It has also been submitted that out of 13 prosecution witnesses, 04 stands examined, with 05 having been given up and 04 remaining to be examined.

On a pointed query put to learned State counsel, he, on instructions from ASI Sukhdev Singh, has not disputed that the petitioner has any previous criminal antecedents.

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

The possibility of the trial concluding in the near future seems unlikely as 04 prosecution witnesses are yet to be examined. The petitioner is not stated to be involved in any other criminal case, much less under the NDPS Act. Identically placed co-accused has already been granted the concession of bail by the coordinate Bench of this Court on account of inordinate delay of trial.

In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.



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.

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

March 04, 2025

sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No