



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

CRM-M No.51489 of 2024
Date of decision: 8th January, 2025

Gurpreet Singh @ Guri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raman Kumar, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. On oral request of learned counsel for the petitioner, the head note and prayer clause of the petition is rectified and 'Section 22(B)' is replaced with 'Section 21(B)' of the NDPS Act.

2. The petitioner is seeking the concession of bail under Section 483 of BNSS in case FIR No.83 dated 23.08.2024 under Section 21(B), 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Lambran, District Jalandhar Rural.

3. In compliance of the order of this Court, learned State counsel has filed reply by way of affidavit of Surinderpal Dhogri, PPS, DSP, Sub Division Kartarpur, today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to learned counsel opposite.

4. Learned counsel for the petitioner submits that false implication of the petitioner in the FIR in question is evident from the fact that he has no previous criminal antecedents, much less of being ever involved in a case under the NDPS Act. It has been further submitted that even as per the case of the prosecution, the petitioner was merely seated on the rear seat of the vehicle, which was being driven by co-accused Gurbachan Singh, registered owner of the vehicle in question. It has been further asserted by the learned counsel that the alleged recovery i.e. 225 grams of Heroin along with ₹1.00 lakh drug money and a weighing scale was made from a bag which had been kept on the dashboard of the vehicle, next to the driver i.e. co-accused Gurbachan Singh. Hence, the petitioner could not in any manner be linked to the aforesaid recovery. Learned counsel has further argued that after challan was presented on 05.10.2024, charges were framed on 04.12.2024, however, till date none of the 14 prosecution witnesses have been examined and hence, there is no likelihood of the trial concluding in the near future. It has still further been urged by the learned counsel for the petitioner that although the petitioner is innocent and has been falsely implicated in the present case, however, even assuming for the sake of arguments that the petitioner was indeed sitting in the vehicle of the co-accused Gurbachan Singh, the alleged recovery of contraband affected from the vehicle in question has been classified as intermediary under the Act. A prayer has, therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

5. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the petitioner has been in custody since 23.08.2024 and till date none of the 14 prosecution witnesses have been examined. It has also not been disputed by the learned State counsel, on instructions, that the petitioner has no previous criminal antecedents; the vehicle in question from which the alleged recovery was made, stands registered in the name of the co-accused Gurbachan Singh, who at the relevant time was also driving the vehicle in question. It has still further been brought to the notice of this Court that co-accused Gurbachan Singh as well as co-accused Balwinder Singh, who was also present in the vehicle when they were nabbed on suspicion by the police, have previous criminal antecedents as they are involved in another case under the NDPS Act.

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

7. The petitioner, as not disputed by the learned State counsel, has no previous criminal antecedents. The recovery of contraband was effected from the dashboard of the vehicle which was being driven by its registered owner/co-accused Gurbachan Singh. Investigation in the present case is complete and charges have only recently been framed, and thus, the possibility of the trial concluding in the near future seems unlikely in view of the fact that the next date of hearing fixed before the trial Court is 19.02.2025 when recording of the prosecution evidence is likely to commence.

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

9. 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

January 8, 2025

rps

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