



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

211/2**CRM-M-53755-2024****Date of decision: 17.01.2025****KARNAIL RAM**

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Preetwinder Singh Dhaliwal, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of regular bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 in case FIR No.56 dated 13.07.2024 under Sections 22 and 29 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rureke Kalan, District Barnala.

2. Learned counsel for the petitioner submits that the petitioner's innocence is apparent from the fact that even as per the case of the prosecution, the alleged polythene bag containing 880 tablets of Tramadol was allegedly thrown by pillion rider Sukhdev Ram, on seeing the police party. Learned counsel submits that no doubt the motorcycle which was being driven by the petitioner was indeed registered in his own name, however, the only fault, if any, of the petitioner was of having given lift to co-accused Sukhdev Ram, who is his neighbour. It has been further submitted that the petitioner could not have possibly been aware about the



contents of the polythene bag which were in the possession of co-accused Sukhdev Ram; furthermore the petitioner has no previous criminal antecedents while co-accused Sukhdev Ram has other criminal antecedents including involvement in cases under the NDPS Act. Learned counsel has further argued that even as per the case of the prosecution, on being apprehended by the police, no recovery of any contraband, much less Tramadol, was affected from the conscious possession of the petitioner and furthermore it was co-accused Sukhdev Ram who suffered a disclosure statement nominating co-accused Dharamveer as the supplier of the recovered contraband.

3. Learned counsel has further submitted that in the given circumstances, coupled with the fact that not only has the challan been presented and charges framed, the possibility of the trial concluding in the near future looks unlikely since only one prosecution witness out of the 24 cited, has been examined till date.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has neither disputed the custody period of the petitioner, who has been in custody since 13.07.2024 nor has he disputed that no recovery of any contraband was affected from the petitioner and it was co-accused Sukhdev Ram, who had allegedly thrown the polythene bag containing the contraband on seeing the police party. Learned State counsel on further instructions has also not disputed that the petitioner has no previous criminal antecedents.



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

6. The alleged recovery of 880 tablets of Tramadol contained in the polythene bag was affected on suspicion when pillion rider co-accused Sukhdev Ram threw it away on sighting the police party. The petitioner is not stated to be involved in any other criminal case, much less under the NDPS Act. The trial is unlikely to conclude in near future as 24 prosecution witnesses still remain to be examined.

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

8. 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.

9. 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.

January 17, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No