

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

2025:PHHC:023825



(228)

CRM-M-56538-2024

Date of Decision: 18.02.2025

Ram Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Harmanpreet Singh, Advocate for petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail under Section 483 of BNSS, in case FIR No.7, dated 19.01.2024, under Sections 21, 29 of NDPS Act, 1985, registered at Police Station Chattiwind, District Amritsar Rural.

In compliance of order dated 27.11.2024, short reply by way of affidavit of Sh. Lakhwinder Singh, PPS, Dy.S.P., Sub Division, Attari, Amritsar (Rural) has been filed on behalf of State of Punjab. The same is taken on record subject to just exceptions and a copy has been provided to counsel opposite.

On the previous date of hearing learned counsel for the petitioner had vehemently argued that the petitioner had been falsely implicated in the present case as firstly he had no previous criminal antecedents and furthermore even though as per the case of the prosecution a secret information was received regarding his involvement in drug trafficking, however, there had been no compliance of the mandatory

provisions of the N.D.P.S Act; no consent memo much less bearing the signatures of the petitioner was part of the challan.

In the affidavit which has been filed in Court today, learned State counsel has conceded that no consent memo was prepared in the present case as had been correctly argued by learned counsel for the petitioner on the previous date of hearing. However, learned State counsel has reiterated that following a secret information a huge recovery of 270 grams of heroin was effected from the personal search of the petitioner in the presence of a Gazetted Officer.

Learned State counsel, however, on instructions, has not disputed that the petitioner has been in custody since 19.01.2024 and after the charges were framed on 30.07.2024 none of the 11 prosecution witnesses has been examined till date.

On a pointed query, learned State counsel has also not disputed that the petitioner has clean antecedents as he is not involved in any other criminal case.

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

The petitioner has been in custody since 19.01.2024. The trial is unlikely to conclude in the near future as it is almost 7 months after the charges were framed and the case is being adjourned repeatedly for the examination of the prosecution witnesses.

In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to grant the concession of bail to the present 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

18.02.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No