

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

2025:PHHC:023827



(231)

CRM-M-59372-2024

Date of Decision: 18.02.2025

Kan Singh Purawat

--Petitioner

Versus

State of U.T., Chandigarh

--Respondent

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

Present:- Mr. Abhishek Joon, Advocate for petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 439 of Cr.P.C., in case FIR No.0060, dated 03.02.2023, under Section 15 of NDPS Act, 1985, registered at Police Station, Sector 36, U.T., Chandigarh.

Learned counsel for the petitioner has submitted that petitioner has been in custody since 05.02.2023 in an apparent case of false implication. The petitioner was not apprehended along with the co-accused from whom a recovery of 30 kgs each of poppy husk was made on suspicion. Counsel has submitted that the petitioner came to be nominated on the basis of a disclosure statement of the co-accused after two days of the alleged recovery, wherein they claimed that the petitioner was a supplier of the recovered contraband. Counsel has further submitted that even though challan was presented on 26.07.2023 and charges were framed on 25.10.2023, however, till date only 7 prosecution witnesses out of the 34

cited have been examined. Hence, possibility of the trial concluding in near future did not arise.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has disputed the stage of trial. It has also not been disputed that the petitioner's name surfaced in the disclosure statement allegedly suffered by co-accused, however, learned State counsel has submitted that following the disclosure statement made by co-accused when the petitioner was arrested on 05.02.2023, a recovery of 100 kgs of poppy husk was made from his motorcycle, which left no manner of doubt that he was indeed a supplier of the contraband which had been recovered from co-accused. State counsel has further submitted that though there has been some delay in conclusion of the trial, however, it has been on account of an application moved under Section 311 Cr.P.C, which was decided only on 02.12.2024.

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

The petitioner has been in custody for more than two years having been arrested on 05.02.2023. The trial is unlikely to conclude in the near future as 27 prosecution witnesses still remain to be examined. The delay in conclusion of the trial is for reasons not attributable to the petitioner.

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

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