

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

2025:PHHC:026559



(233)

CRM-M-59562-2024

Date of Decision: 24.02.2025

Gurmeet Singh @ Deepi

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. P.S. Sekhon, Advocate for petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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.95, dated 10.12.2022, under Sections 22 and 27 of NDPS Act, 1985, registered at Police Station, GRP Sangrur.

Learned counsel for the petitioner submits that the petitioner has been in custody since 10.12.2022, following his alleged apprehension while consuming a tablet of Alprazolam on a railway platform. Learned counsel submits that as per the case of the prosecution, recovery of 1136 tablets of Alprazolam was made from a polythene bag near the petitioner. However, it is a case of false implication, more so, when the petitioner tested negative for Alprazolam in the Dope Test, contradicting the allegations of consumption. It has further been submitted that the alleged recovery was not effected from the conscious possession of the petitioner but from a polythene bag which was lying next to him on the platform.

Counsel has still further argued that despite the long incarceration of the petitioner, and despite the charges having been framed on 01.07.2023, only 4 prosecution witnesses out of the 13 cited have been examined. Given the pace of trial, its early conclusion is therefore improbable.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel for the petitioner has not disputed the custody period of the petitioner or the slow progress of trial. However, it is argued that the recovered polythene bag containing Alprazolam was not lying near the petitioner as has been argued but was in the hands of the petitioner. It has been further highlighted by the learned State counsel that the petitioner has previously been involved in two cases under the N.D.P.S Act, though, the contraband recovered in those cases was of small quantity, and he has already served his sentence.

I have considered the rival submissions and examined the material on record.

The petitioner was allegedly apprehended on suspicion, and the Dope Test yielded a negative result for Alprazolam. Despite the framing of charges on 01.07.2023, only 4 prosecution witnesses have been examined, making the early conclusion of trial unlikely. The petitioner at present is not facing trial in any other case under the NDPS Act, even as per instructions received by the learned State counsel.

In view of the long incarceration of the petitioner, slow pace of trial, and the circumstances surrounding the alleged recovery, this Court deems it fit to admit the petitioner to 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

24.02.2025
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No