

292 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39219-2023
Decided on : 21.08.2023

Ajay Masih Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.121 dated 25.12.2022 under Section 21, 23, 27-A, 29, 61, 85 NDPS Act registered at Police Station Kalanaur, District Gurdaspur.

2. Learned counsel for the petitioner submits that though the petitioner was named in the secret information received by the police, however, it could not be disputed even by the prosecution that no recovery of any contraband much less heroin was effected from the petitioner. Learned counsel submits that recovery of 10 grams of heroin along with Rs.3 lacs (drug money) was effected from the main accused Gurvinder Singh @ Chewa. Learned counsel further submits that investigation in the case in hand is complete and charges have also been framed, however, none out of

the 15 prosecution witnesses has been examined till date and the next date of hearing fixed before the trial court is 06.09.2023 when the prosecution evidence is likely to commence.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not been able to dispute that no recovery of any contraband much less heroin was effected from the petitioner. Learned State counsel on instructions from ASI Jagdish Chand submits that recovery of Rs.1 lac (drug money) was effected from the house of the petitioner on the statement of co-accused Gurvinder Singh @ Chewa.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other case under the NDPS Act, he on instructions has replied in the negative.

5. Heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has been in custody since 01.02.2023 and there is no likelihood of the trial concluding in the near future as prosecution evidence is yet to commence. The petitioner, as also conceded by learned State counsel, on instructions, is not involved in any other criminal case under the NDPS Act except the present one. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

7. 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. In case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of bail granted to him.

21.08.2023
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(MANJARI NEHRU KAUL)
JUDGE

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