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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12877-2018

Date of Decision: 26.11.2019

Kulwinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.137 dated 15.11.2017, registered under Section 22 NDPS Act, 1985, at Police Station Lohian, District Jalandhar. He is in custody since his arrest on 15.11.2017

As per the version of the prosecution in the FIR, on 15.11.2017, the present petitioner was apprehended with two black colour envelopes, which were lying on his motorcycle bearing No. PB-41-B-0759. From one envelope, 3000 Alprazolam tablets and from another envelope, 4200 Tramadole tablets were recovered.

Learned counsel for the petitioner contends that recovery of 4200 Tramadole tablets does not fall under the commercial quantity. He submits that the charges have already been framed, therefore, further custody of the petitioner may not be required. He further submits that he is not involved in any other case and keeping in view his custody of more than two years concession of bail be extended to him.

On the other hand, learned State counsel on instructions from ASI Gursharan Singh has opposed the prayer on the ground that 3000 Alprazolam tablets have been recovered from the petitioner which fall within the ambit of commercial quantity. However, he does not dispute this fact that he is not involved in any other case. He states that 7 witnesses out of total 14 witnesses still remain to be examined.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time as prosecution is to examine 7 more witnesses, therefore, keeping in view the custodial period of the petitioner, his further custody may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

26.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No