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

CRM-M-48855-2019

Date of Decision: 17.03.2021

Naseeb Chand @ Pappa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Amandeep Soni, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.173 dated 13.10.2018 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division No.5, District Police Commissionerate Jalandhar.

The petitioner is being prosecuted for having been found in illegal possession of 3456 SPM-PRX+Wockhardt capsules containing Tramadol Hydrochloride.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the petitioner has been in custody since 13.10.2018; the petitioner has no other criminal case pending against him; the report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the petitioner's trial in which none of the prosecution witnesses have been examined so far will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 3456 SPM-PRX+Wockhardt capsules containing salt Tramadol Hydrochloride and if the petitioner is released on bail he may indulge in similar offences.

The petitioner is in custody for the last over 2 years and 5 months; he is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and in the petitioner's trial since none of the prosecution witnesses have been examined, the same would take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

17.03.2021
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No