

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

(Sr. No. 214)

CRM-M No. 12962 of 2021 (O&M)

Date of decision : 10.02.2022

Charanjit Kumar @ Kala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. C. K. Jangra, Advocate for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.150 dated 15.12.2020 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Sadar Rajpura, district Patiala.

The petitioner is being prosecuted for having been found in illegal possession of 304 grams of Tramadol Hydrochloride.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner does not face any other criminal case; the investigation in the case is complete; the petitioner is in custody for the last over 01 year and 02 months; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the

alleged recovery from the petitioner is of 304 grams of Tramadol Hydrochloride which is slightly higher than the prescribed “commercial quantity” of 250 grams and that since eight witnesses of the prosecution still remain to be examined in the petitioner's trial, it will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 304 grams of Tramadol Hydrochloride and if released on bail he is likely to commit similar offences.

The petitioner is in custody for the last over 01 year and 02 months; he does not face any other criminal case; the alleged recovery from the petitioner is of 304 grams of Tramadol Hydrochloride which is slightly higher than the prescribed “commercial quantity” of 250 grams; investigation in the case is complete and that since eight witnesses of the prosecution still remain to be examined in the petitioner's trial, it is likely to take a long time to conclude.

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, Patiala 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.

It is further clarified that if the petitioner is found indulging in

any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of bail granted through this order by filing an appropriate application before the competent Court/this Court.

10.02.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No