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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21898-2021 (O&M)
Date of Decision:10.05.2022

Raja Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Satveer Singh Badal, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.30 dated 09.02.2021 registered under Section 22(c) NDPS Act, 1985 at Police Station Lambi, District Sri Muktsar Sahib. The petitioner is in custody since his arrest on 09.02.2021.

As per prosecution, 1400 intoxicating tablets containing salt Tramadol Hydrochloride were recovered from the conscious possession of Raja Singh (petitioner).

Learned counsel for the petitioner has argued that not only the investigation of the case is complete, but even charges have been framed on 09.08.2021, however, no witness has been examined so far. He prays for bail.

Learned State counsel assisted by HC Palwinder Singh, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. He has

produced the custody certificate of the petitioner by way of affidavit of

Iqbal Singh Brar, PPS Superintendent, District Jail Sri Muktsar Sahib, which indicates that though he was previously involved in one more case under the NDPS Act, but he was sentenced to the undergone period. However, it is not disputed that the investigation of the present case is complete and charges were framed on 09.08.2021.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

10.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No