

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

CRM-M-19730-2022 (O&M)

Date of decision: 20.09.2022

Princepal Singh @ Prince

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.152 dated 02.09.2021, registered under Sections 21(c), 25 and 29 of the NDPS Act, 1985 and Section 25 of the Arms Act, at Police Station Special Task Force (City Tarn Taran), District STF Wing.

Learned counsel for the petitioner submits that though the petitioner was arrested from the spot, yet no recovery was effected from the petitioner; that the alleged recovery of 300 grams of *Heroin* was effected from the bakery i.e. Canadian Bakers and Shakes, from co-accused Vikramjit Singh; that the petitioner has been in custody since 02.09.2021 and he is not involved in any other case under the NDPS Act; that the charges are yet to be framed and that co-accused Karandeep Singh @ Karan, has already been granted the concession of regular bail vide order dated 20.04.2022 passed by this Court.

Learned State counsel opposes the prayer for bail. However, he does not dispute the custody period of the petitioner and the facts that no

recovery was effected from the petitioner and the petitioner is not involved in any other case under the NDPS Act. He submits that the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.09.2021. The recovery was effected from the co-accused not from the petitioner. Moreover, there is no other case under the NDPS Act against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner seeks to delay the trial or involves him into another case of a similar nature, the trial Court is permitted to put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

20.09.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No