

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

CRM-M-30020-2021 (O&M)

Date of decision : 22.09.2022

Kuldeep Singh

... Petitioner(s)

Versus

State Of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Sandhu, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG Punjab.

ALKA SARIN, J. (ORAL)

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.274 dated 11.10.2020 under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kotbhai, District Sri Muktsar Sahib. The first petition being CRM-M-2022-2021 was dismissed as withdrawn on 19.01.2021.

Learned counsel for the petitioner would contend that the petitioner has been in custody since 11.10.2020. It is further the contention of learned counsel that the petitioner has no other case pending against him. It is further contended that the recovery in the present case is 1450 tablets containing salt Tramadol Hydrochloride the total weight of which comes to 593 grams. It is further the contention that the said recovery is from two

persons. Learned counsel for the petitioner has further contended that the challan in the present case was filed on 08.04.2021 and out of 26 prosecution witnesses, none had been examined till date.

Learned counsel for the State is not in a position to deny the fact that though the challan was filed on 08.04.2021, as per the status report, out of 26 prosecution witnesses no witness has been examined till date. The petitioner has been in custody since 11.10.2020 and that there is no other case pending against the petitioner.

Heard.

In the present case the recovery from the petitioner and his co-accused was 1450 tablets containing salt Tramadol Hydrochloride the total weight of which comes to 593 grams. The petitioner has been in custody since 11.10.2020 and there is no other case pending against him. The challan in the present case was filed on 08.04.2021 and out of 26 prosecution witnesses, none had been examined till date. The trial is likely to take some time to conclude. Without commenting upon the merits of the case, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate/Judge, Special Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

22.09.2022

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO