

CRM-M-34138 of 2022

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

CRM-M-34138 of 2022
Date of decision: 06.12.2022

Hardeep Singh Dhol

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Abhishek Kaushik, Advocate, for the petitioner.
Mr. Ravinder Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.74 dated 27.08.2012 under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Tarsika, District Amritsar.

In terms of order dated 08.09.2022 learned State counsel has filed reply, which is taken on record.

Brief facts of the present case are that SI Swinder Singh along with other police personnel posted at Police Station Tarsikka in connection with patrolling and in search of bad elements was present at Villate Kot Hayat then he received secret information that Hardeep Singh (Petitioner) is involved in selling smack, intoxicant tablets, capsules and other narcotic substances. Today, he is coming on foot from Village Dehriwal towards his Village Bhattike through passage of water contributory. If nakabandi is held

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then narcotic substances in huge quantity can be recovered from him. Police party started conducting checking by holding nakabandi at bridge of water contributory. Thereafter at about 4:30 PM, one youngster was seen while coming on foot from Village Dehriwal side towards Village Bhattike. He was signaled to stop with the help of accompanying police officials, who managed to run away towards paddy crops field after throwing polythene envelope from his right pocket. SI Surinder Singh already knew him personally, who was the above said Hardip Singh (Petitioner). Thereafter on checking the above polythene envelope, which was thrown by the petitioner, 100 gm intoxicant powder was recovered from it.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that as per FSL report alleged intoxicant powder recovered from the petitioner contains Nitrazepam salt and the same falls within the category of “non-commercial” quantity. Learned counsel further submits that in the present case challan has already been presented; charges have been framed and out of total 12 prosecution witnesses none has been examined as yet and the case is now fixed for hearing on 10.01.2023. Petitioner is in custody since 08.02.2022 i.e. for the last about 10 months. Learned counsel further submits that conclusion of trial may take a long time. No useful purpose would be served by keeping the petitioner behind the bars, therefore, he may be granted regular bail.

Learned State counsel opposes the prayer for grant of regular bail to the petitioner, however, he could not refute the fact that petitioner is in custody for the last 09 months and 26 days; out of 12 prosecution

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witnesses none has been examined as yet and that conclusion of trial is likely to take a long time. He further submits that earlier the petitioner was declared proclaimed person and FIR No.123 dated 28.11.2018 under Section 174-A IPC at Police Station Tarsikka, Amritsar, was registered against him.

To rebut the abovesaid contention, learned counsel for the petitioner submits that the petitioner has already surrendered before the trial Court and has been granted bail in the said FIR and no other case is pending against him.

Considering overall facts and circumstances of the case, especially the custody period of the petitioner which is for 09 months and 26 days; recovery of the contraband of non-commercial quantity and the fact that no witness has been examined till date in the trial and the same is not expected to conclude soon, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on surrendering his passport and furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

06.12.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No