

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

CRM-M-36390-2022
Date of Decision:-**27.10.2022**

PHOLA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Balram Prashar, Advocate for
Mr. Sukhwinder Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.60 dated 4.5.2022 registered under Section 22(b) of NDPS Act at Police Station Sadar Malout, District Sri Muktsar Sahib.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and as per the allegations recorded in the FIR, 550 tablets of Tramadol were recovered from the petitioner by the police at the time of his arrest and the said quantity comes under non-commercial quantity of contraband. The counsel further submits

that the petitioner is behind bars since last 5 months and after completion of investigation, police presented challan and it will take considerable time to conclude the trial, as such no useful purpose would be served by prolonging the incarceration of the petitioner as rigors of Section 37 NDPS Act are not applicable to the instant case.

Present petition has been opposed by the State counsel, who on instructions from ASI Pargat Singh has not disputed the fact that 550 tablets of Tramadol recovered from the petitioner falls under non-commercial quantity as per report of FSL, which has already been received. The State counsel has also not disputed the fact that the petitioner was arrested in this case on 4.5.2022 and after completion of investigation, challan has been presented and charges are framed but till date no prosecution witness has been examined.

I have considered the submissions made by counsel for the parties.

As has been admitted by the State counsel, non-commercial quantity of medical intoxicant were recovered from the possession of the petitioner, who as per the custody certificate is languishing behind the bars since last more than 5 months. Admittedly the trial has already commenced but till date no prosecution witness has been examined. The embargo provided under Section 37 of NDPS Act is not applicable in the present case.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

27.10.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No