

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-411-2023 (O&M)
Date of Decision: 12.01.2023

Puran Singh alias Sonu

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 123 dated 24.09.2022, under Section 15 of NDPS Act registered at Police Station Daresi, District Ludhiana, who is alleged to have possessed contraband of 20 k.g. of poppy husk, which falls under the ambit of non-commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody since 24.09.2022. He submits that one more FIR has been registered against the petitioner herein, in which he has been granted bail by the Co-ordinate Bench of this Court vide order passed in CRM-M-45176-2019 dated 31.10.2019. He further submits that the challan stands presented and out of total 12 witnesses, no witness has been examined till date and that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that in other case the petitioner has been granted bail by this Court and the challan stands presented, however, the charges are yet to be framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 24.09.2022.

It is not a case made out by the respondent-State that concession of bail if granted to the petitioner would hamper the course of free and fair trial. Further, since the challan stands presented and out of total 12 witnesses none has been examined yet and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

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

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

12.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No