

208-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2120-2022
Decided on:-23.02.2023

Harpreet SinghPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Raj Chaudhary, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab,
for respondent-State.

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail during pendency of trial in case FIR No.034 dated 04.06.2021, under Sections 21, 22, 25, 29 of NDPS Act, 1985, registered at Police Station Sehna, District Barnala.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR but later on, nominated as an accused on the basis of disclosure statement made by one, Jasmail Singh @ Maddi. He further submits that 8 grams of white intoxicating powder was recovered from the petitioner, which falls under the small quantity.

Learned counsel further submits that the petitioner is behind the bars for the last 01 year, 8 months and 16 days now and the investigation in the present case already stands concluded with the filing of challan, charges framed and trial is likely to take some time as only 11 witnesses have been examined out of total of 29 cited by the prosecution, as such, no useful

purpose would be served by keeping the petitioner behind the bars.

On the other hand, learned State counsel opposes the prayer made in the present petition by submitting that one more case under the NDPS Act was registered against the petitioner.

I have heard learned counsel for the parties and gone through the paper book. I find merits in the submissions made on behalf of the petitioner.

Considering the facts that the petitioner is already behind the bars for the last more than 1 year and 8 months now and the investigation in the present case already stands concluded with the filing of challan, charges framed and trial is likely to take some time as only 11 witnesses have been examined out of total 29 as cited by the prosecution, no useful purpose is going to be served by extending the incarceration of the petitioner, particularly, in view of the fact that the petitioner was nominated on the basis of disclosure statement made by one Jasmail Singh @ Maddi, besides it, the recovery being of small quantity i.e. only 8 grams of intoxicant powder. Reliance can be placed upon the law laid down by Hon'ble the Supreme Court in "Special Leave to Appeal (Crl.) No.5530/2022, titled as ***"Mohammad Salman Hanif Shaikh vs. The State of Gujarat"***, Special Leave to Appeal (Crl.) No.4173/2022, titled as ***"Shariful Islam @ Sarif vs. The State of West Bengal"*** and Special Leave to Appeal (Crl.) No.5769/2022, titled as ***"Nitish Adhikary @ Bapan vs. The State of West Bengal"***.

As regards pendency of another case under the NDPS Act, in that case, the petitioner has already been released on regular bail.

In view of the above, without expressing any opinion on the

mertis of the case, the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

23.02.2023
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No