

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211)

CRM-M-5406 of 2023
DATE OF DECISION:-14.02.2023

Roshandeen

...Petitioner

VS.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ruhani Chadha, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.43 dated 11.08.2021 under Sections 15 of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added lateron) registered at Police Station Mukandpur, District SBS Nagar (Annexure P-1)

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* on 01.02.2022 followed by framing of charges vide order dated 23.08.2022. Learned counsel further submits that out of the total 15 witnesses as cited by the prosecution, only one has been examined that too, partly. He further submits that petitioner is behind the bars for a period of 1 years, 6 months and 10 days and there is no other case of similar nature pending against the petitioner, thus, he deserves the concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that recovery in the present case is of commercial quantity.

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

Investigation in the present case already stands concluded with the filing of *challan* on 01.02.2022 followed by framing of charges however, even after the expiry of more than 1 year and 6 months, only one witness has been examined so far, that too partly whereas, there are total 15 witnesses as cited by the prosecution, thus, the conclusion of trial is likely to take some time. There does not appear to be any justification for extending the incarceration of the petitioner any further, thus, petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

14.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No