

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

CRM-M-4596-2023
Decided on:-03.02.2023

MD Roshan

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.43 dated 11.08.2021, under Section 15 of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar, during the pendency of trial.

Learned counsel for the petitioner submits that the petitioner was implicated on the basis of disclosure statement made by one Roshan Deen, who was apprehended at the spot in the present FIR with the allegations of alleged recovery of 100 kg of poppy husk.

Learned counsel further submits that the petitioner is behind the bars since 13.06.2022 and the investigation already stands concluded with the filing of challan. He also submits that even charges have been framed, however, only 01 prosecution witness out of the total of 18 as cited by the prosecution has been examined so far and thus, prays for grant of concession

of regular bail.

On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel by submitting that the recovery in the present case is substantial and the custody period as regards the petitioner is too less.

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.

Considering the fact that the petitioner is first offender and no other case of similar nature is pending against him, especially, having been implicated only on the basis of statement made by co-accused, from whom the alleged recovery has already been effected; veracity and evidentiary value of the disclosure is still to be adjudicated upon during trial and that investigation already stands concluded, charges framed, besides it, out of 18 witnesses cited by the prosecution, only 1 has been examined and also the fact that the petitioner is in custody for more than 07 months and 22 days now, there does not appear to be any justification to keep the petitioner behind the bars.

In view of the above, without commenting anything on the merits, 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.

03.02.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No