

CRM-M- 7254-2023 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 7254-2023 (O&M)

Date of Decision: 19.04.2023

Sunil Kumar alias Sonu

... Petitioner

V/s.

State of Punjab

... Respondent

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

Present : Ms. Sukhpreet Kaur, 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. 135 dated 23.06.2020, under Sections 22, 61 and 85 of NDPS Act registered at Police Station Kotwali, Patiala, who is alleged to have possessed contraband of 1710 intoxicant capsules containing Tramadol Hydrochloride, which comes under the ambit of commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody since 23.06.2020 and as per custody certificate has already undergone 02 years 09 months and 25 days custody. He submits that the petitioner has been falsely implicated in the present case and is in custody since long time. Learned counsel for the petitioner claims parity as the co-

accused Gurtej Singh has already been allowed regular bail by this Court

CRM-M- 7254-2023 (O&M)

-2-

vide order dated 05.01.2023 in CRM-M-42942-2020 (Annexure P-1). Learned counsel for the petitioner submits that another FIR registered under the NDPS Act i.e. FIR No. 267 Dated 08.12.2015 is stated to be cancelled, hence there is no other case pending against the petitioner under the NDPS Act. He further submits that the challan stands presented as far back as 19.11.2020 and the charges have been framed and out of total 18 witnesses only 03 have been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from ASI Sukhwinder Singh, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, does not dispute the fact that the challan stands presented and the co-accused has already been allowed regular bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 23.06.2020 and has undergone 02 years 09 months and 25 days custody.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and co-accused has also been granted regular bail and the charges have been framed and there is no other case pending against the petitioner under the NDPS Act 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 on the following conditions:-

- 1. he shall appear before the Court on each and every date of hearing;*
- 2. he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. he shall not indulge in any criminal activity.*

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

19.04.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>