

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

225

CRM-M-8853-2023 (O&M)  
Date of decision: 27.07.2023

STALANJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Present petition under Section 439 of the Code of Criminal Procedure is filed seeking grant of regular bail to the petitioner in case FIR No.31 dated 26.02.2019, under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Patti, District Tarn Taran.

Status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the alleged recovery of 790 loose tablets effected from the handle of the motor-cycle driven by co-accused Sawinder Singh @ Shinder, whereas the petitioner was the pillion-rider; that the alleged recovery effected from the petitioner and co-accused is

marginally above the commercial quantity but the fact remains that the petitioner has been in custody since 27.02.2019 to 06.06.2019 and 05.01.2023 to 26.07.2023 i.e. more than 10 months; that there is no other pending or registered case against the petitioner, at least of similar nature; that accused Sawinder Singh @ Shinder, is on bail; that none out of 08 prosecution witnesses has been examined so far and that the bail earlier granted to the petitioner awaiting the FLS report, was never misused by him.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the recovery effected from the petitioner and co-accused is marginally above the commercial quantity. He further submits that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Though the recovered contraband in the present case, is marginally above the commercial quantity, yet the fact remains that the petitioner has been in custody since 27.02.2019 to 06.06.2019 and 05.01.2023 to 26.07.2023 i.e. more than 10 months and that the prosecution witnesses are yet to be examined. In such circumstances, trial of the case would take a long time to conclude. There is no other case registered or pending against the petitioner at least of similar nature. Co-accused is already on bail. The earlier bail granted to the petitioner awaiting the FSL report was never misused by him. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)  
JUDGE

27.07.2023  
Mangal Singh

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |