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

**CRM-M-9105-2023
DECIDED ON: 18.04.2023**

RANJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Karandeep S. Sidhu, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.64 dated 14.07.2020 under Sections 21/23/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Amir Khas, District Fazilka.

Learned counsel for the petitioner vehemently argued that the petitioner is first-time offender and is in judicial custody since last 02 years 09 months and 04 days. The challan has been filed and the conclusion of the trial is likely to take some time. Moreover, 3 witness have been examined so far, out of 20 witnesses.

Learned counsel for the petitioner contends that although the recovery of contraband is commercial in nature i.e. 500 grams of heroine and the custody of the petitioner is of 2 years 9 months and 4 days behind the bars and the trial is not

progressive as only 3 witnesses have been examined out of 20 witnesses since filing of charge on 18.01.2021.

Learned State counsel did not controvert the aforesaid fact and custody certificate is taken on record. In view of the custody certificate it reveals that petitioner has actually undergone 2 years 9 months and 4 days on custody and the trial is moving at the snail pace probably at the behest of the prosecution along with the aspect to be kept in mind that the petitioner is not involved in any other case which shows that he is not a habitual offender.

It is, however, not in dispute that the recovery of contraband is commercial in nature but no other incriminating substance has been put forth by the learned State counsel during the course of submission today except that the custody of the petitioner is 2 years 09 months and 04 days as well as three witnesses have been examined so far out of total 20.

In view of the above and also taking into consideration the fact that the trial is likely to take some time, no recovery is to be made and custody for any interrogation is not required since the charges stand framed, no fruitful purpose will be served by keeping the petitioner behind bars, who is not a habitual offender and is not directly involved with the said contraband, is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

18.04.2023
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Whether speaking/reasoned: *Yes/No*
Whether reportable: *Yes/No*