

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

CRM-M-11518-2023

Decided on:-18.04.2023

Rajandeep Singh @ Raja

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail pending trial in case FIR No.134 dated 21.09.2014, under Section 22 of the NDPS Act, 1985, registered at Police Station Valtaha, District Tarn Taran.

In the present case, allegations against the petitioner are regarding the alleged recovery of 320 grams of intoxicant powder containing “Diphenoxylate salt” while he was on a motorcycle as pillion rider along with co-accused, namely, Lakhbir Singh.

Learned counsel for the petitioner submits that in pursuance to the registration of aforementioned FIR, the petitioner was arrested on 22.09.2014 and thereafter, granted interim bail on 10.04.2015, followed by filing of challan on 16.03.2018 and framing of charges on 30.08.2018.

Learned counsel further submits that the petitioner has been regularly appearing before the trial court post framing of charges, though, being on interim bail but for 04.03.2022 when he absented, resulting into cancellation of his bail bonds/surety bonds, followed by issuance of non-bailable warrants against him. He also submits that the petitioner thereafter surrendered himself before the trial court on 02.05.2022 and since then he is in custody, however, only 01 prosecution witness has been examined, out of the total of 12 as cited by the prosecution and the trial is thus likely to take some time.

On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel while submitting that there are three other cases pending against the petitioner, out of which, 01 case relates to the provision of Punjab Excise Act, 1914, the other relates to the offence under IPC and the third one relates to NDPS Act, besides it, learned State counsel also submits that the 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 submissions made on behalf of learned counsel for the petitioner.

In the present case, the FIR in question was registered way-back in December 2014, however, even after the expiry of more than 8 years, only 01 prosecution witness has been examined so far, though, the investigation stands concluded way-back on 16.03.2018, followed by framing of charges on 13.08.2018, besides it, the petitioner has already suffered total incarceration for a period of 15 months now. In addition, the

petitioner was never arrested at the spot and post the year 2016, there has been no other FIR registered against him under the provisions of NDPS Act. Thus, I do not find any reason to extend the incarceration of the petitioner any further.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

18.04.2023

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(HARKESH MANUJA)
JUDGE

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