

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

CRM-M-11915-2022

Decided on:-16.03.2023

Ashwani Kumar

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ravi Chadha, Advocate for
Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail during pendency of trial in case FIR No.67 dated 12.09.2021, under Sections 21(c) and 29 of NDPS Act, 1985, registered at Police Station Dorangla, District Gurdaspur.

As per the allegations levelled in the FIR, recovery of 395 grams of heroin was effected from the petitioner.

Learned counsel for the petitioner submits that petitioner is behind the bars for the last about 1½ year now and the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and trial is likely to take some time as only 08 witnesses have been examined out of total of 14 witnesses cited by the prosecution, as such, no useful purpose is going to be served by keeping the petitioner behind the bars.

On the other hand, learned State counsel opposes the prayer

made in the present petition and prays for dismissal of present petition.

I have heard learned counsel for the parties and gone through the paper book. I find merits in the submissions made on behalf of the petitioner.

Considering the facts that the petitioner is already behind the bars for the last about 1½ year now and the investigation in the present case already stands concluded with the filing of challan followed by framing of charges and trial is likely to take some time as only 08 witnesses have been examined out of total of 14 witnesses cited by the prosecution, no useful purpose is going to be served by extending the incarceration of the petitioner, besides it, there is no other case under the NDPS Act pending against him. Reliance can be placed upon the law laid down by Hon'ble the Supreme Court in "Special Leave to Appeal (Crl.) No.5530/2022, titled as ***"Mohammad Salman Hanif Shaikh vs. The State of Gujrat"***, Special Leave to Appeal (Crl.) No.4173/2022, titled as ***"Shariful Islam @ Sarif vs. The State of West Bengal"*** and Special Leave to Appeal (Crl.) No.5769/2022, titled as ***"Nitish Adhikary @ Bapan vs. The State of West Bengal"***.

In view of the above and without expressing any opinion on the merits of the case, the present petition is allowed. 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.

16.03.2023

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No