

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

CRM-M-12465-2023

Decided on:-20.04.2023

Abdul Rehman

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. L.S. Sekhon, 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.05 dated 07.01.2023, under Sections 22 and 29 NDPS, 1985, registered at Police Station City-II, Malerkotla, District Malerkotla (Earlier District Sangrur).

Learned counsel for the petitioner submits that the petitioner was implicated on the basis of disclosure statement made by one Samir Jindal, from whom 2400 tablets of Taramadol were recovered.

Learned counsel for the petitioner submits that the petitioner is in custody for the last 3 months and 10 days now and the investigation in the present case already stands concluded, however, challan is yet to be filed awaiting the report of FSL, thus, the trial is likely to take some time. He

further submits that no recovery has been effected from the petitioner and

no other case under NDPS Act is registered against him.

On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the petitioner was nominated as an accused based on disclosure of his co-accused from whom police recovered 2400 tablets of tramadol, however, learned State counsel does not dispute the fact that no recovery was effected from the petitioner, who is even having no criminal antecedents.

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.

Considering the fact that the petitioner is behind the bars for the last 3 months and 10 days now, however, challan is yet to be filed, awaiting the report of FSL, thus, trial is likely to take some time, I do not find any reason to extend the incarceration of the petitioner any further, particularly when he was implicated only on the basis of disclosure of co-accused Samir Jindal and the veracity of the same is subject matter of the trial, besides it, petitioner is the first offender and no recovery has been effected from him.

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.

20.04.2023

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(HARKESH MANUJA)
JUDGE

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