

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

CRM-M-12704-2023

Decided on:-13.04.2023

Raju Singh

....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. (Oral)

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.39 dated 13.04.2021 under Section 22-C of NDPS Act 1985, P.S. Maur District Bathinda.

Learned counsel for the petitioner submits that the petitioner is in custody since last 2 years now and the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges. He further submits that out of total 15 witnesses cited by the prosecution only four witnesses have been examined so far and the trial is likely to take some time. Moreover, co-accused of the petitioner namely Manjeet Singh has already been granted the concession of regular bail by this Court vide order dated 06.02.2023 passed in CRM-M-47829-2021.

On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the recovery is commercial in nature and four witnesses already stand examined.

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 two years now and the investigation in the present case already stand concluded with the filing of challan followed by framing of charges, however, only four witnesses have been examined so far out of total of 15 witnesses cited by the prosecution, thus, no useful purpose is going to be served by extending the incarceration of the petitioner any further, particularly, when co-accused of the petitioner namely Manjeet Singh has already been granted the concession of regular bail by this Court vide order dated 06.02.2023 passed in CRM-M-47829-2021,

Even on merits, I find substance in the submissions made on behalf of the petitioner wherein he submits that it would be highly unbelievable that the person engaged in the business of drug smuggling will carry the contraband in white transparent polythene bag as described in FIR/Challan. In this regard reliance can be placed on a decision passed by this Court on 19.01.2023 in ***“Ram Dass @ Ramdas @ Ramna vs. State of Punjab”***. It may also be pointed out here that there is no other FIR of similar nature pending against the petitioner.

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.

13.04.2023
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE