

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

CRM-M-16303-2023

Date of Decision: December 20, 2023

HARMEL SINGH @ BUTA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prateek Gupta, Advocate and
Mr. Shubham Pathania, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, A.A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 35 dated 12.01.2018 registered under Sections 15/25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Jagraon, Ludhiana (Annexure P-1) wherein the petitioner was implicated against allegations of recovery of 85 bags of poppy husk (total 29 quintals and 75 kilograms).

2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the huge recovery involved in the FIR.

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

4. In the present case , the petitioner has already suffered

incarceration for a period of 1 year, 6 months and 19 days. The investigation in the present case already stands concluded with the filing of challan on 21.06.2019 followed by framing of charge on 06.12.2022 whereas, out of 19 prosecution witnesses, only 5 have been examined so far. Considering the aforesaid, this Court does not find justification to extend incarceration of the petitioner any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

20.12.2023

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>