

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

CRM-M-18370-2023

Decided on:-21.04.2023

Abhishek Kumar @ Abhishek

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shiv Charan Bhola, 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.81 dated 17.06.2021, under Sections 20 and 22 of the NDPS Act, 1985, registered at Police Station Kiratpur Sahib, District Roop Nagar, Punjab.

In the present case, allegations against the petitioner are regarding the alleged recovery of 200 tablets of Tramadol 100 SR and 130 grams of ganja.

Learned counsel for the petitioner submits that in pursuance to the registration of aforementioned FIR, the petitioner was arrested on 17.06.2021 and thereafter, granted interim bail on 29.07.2021. He further submits that the petitioner has been regularly appearing before the trial court, but on account of noting down wrong date, the petitioner could not appear before the trial court in April, 2022 and ultimately was declared as proclaimed offender on 29.08.2022. He also submits that the petitioner was arrested on 01.11.2022 and already suffered incarceration for more than five

months and only 7 witnesses have been examined out of total of 12 cited by the prosecution, thus, trial is 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 on the ground that 200 tablets of Tramadol 100 SR and 130 grams of ganja were recovered from the petitioner.

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

Considering the fact that the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges, however, only 7 witnesses have been examined out of total of 12 cited by the prosecution, thus, trial is likely to take some time, besides it, the recovery is non-commercial in nature and the petitioner has already suffered incarceration for a period of more than 5 months on account of his non-appearance before the trial court, thus no useful purpose is going to be served by extending the incarceration of the petitioner any further. More than that there is no other case 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.

21.04.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No