

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-21998 of 2023
DATE OF DECISION:-05.05.2023

Mahesh Gulati

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kunal Choksi, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.60 dated 20.03.2021 under Sections 22, 25/61/85 of NDPS Act, registered at Police Station P. S. Khanna City-2, District Ludhiana, Punjab.

(2) As per FIR allegations levelled against the petitioner are of alleged recovery of 16,500 tablets of Tramadol Hydrochloride and 1200 tablets of Alprazolam (Total 17,700 tablets) from the bag lying on the rear seat of the car which was being driven by the co-accused of petitioner.

(3) Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges whereas, only one prosecution witness has been examined so far, out of the total 13 witnesses as cited by the prosecution. Learned counsel further submits that the petitioner is already behind the bars for a period of more than 2 years, 1 month and 13 days and the conclusion of the trial is likely to take some time and there is no other case pending against him, thus, the petitioner deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while referring to the recovery of contraband which falls under commercial quantity.

(5) 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.

(6) The investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges and the conclusion of the trial is likely to take some time as only one witness has been examined so far, out of 13 as cited by the prosecution. The petitioner is behind the bars for a period of more than 2 years, 1 month and 13 days and there is no other case of similar nature pending against him and as such, there does not appear to be any justification for extending the incarceration of the petitioner any further, thus, the petitioner deserves the concession of regular bail.

(6) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(7) However, nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case.

05.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No