

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22009-2023
Date of Decision: May 16, 2023

RAJWINDER SINGH @ RAJU Petitioner
Versus
STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prateek Pandit Advocate for the petitioner.
Mr. Kunal Vinayak, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail in case FIR No.206 dated 27.07.2021 registered under Section 15(c), 18(c) and 29 of NDPS Act, 1985 at P.S. Kotwali Kapurthala, District Kapurthala.
2. In the present case, the petitioner was implicated on the basis of disclosure statements made by co-accused Jatinder and one Ravi from whom the recovery of 180 poppy husk was allegedly made.
3. Learned counsel for the petitioner submits that investigation in the present case already stands concluded followed by framing of charges and the petitioner has already suffered incarceration for a period of one year and eight months now whereas only one witness has been examined so far out of 22 witnesses as cited by the prosecution and the trial is thus likely to take some time.
4. On the other hand, learned State counsel opposes the prayer made in the present petition while submitting that the petitioner is already involved in one other case of NDPS regarding alleged recovery of 150Kgs of poppy husk. He also submits that even in the present case

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besides the recovery of 180 Kg of poppy husk, 8.5 KG of opium was recovered on the basis of disclosure made by Jatinder and Ravi.

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 petitioner has already suffered incarceration for a period of one year and eight months and has been implicated on the basis of disclosure statements made by co-accused namely Jatinder and one Ravi, out of 22 prosecution witnesses only one has been examined so far, thus the trial is likely to take some time. Admittedly, no recovery has been made from petitioner in the present case as he was not apprehended at the spot. In view of the aforesaid, I do not find any justified reason to extend the incarceration of the petitioner and for the said purpose reliance can be placed on the decision rendered by this Court in “**Jagtar Singh @Nikka Vs. State of Punjab**” passed in **CRM-M-13072-2022**.

7. Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

16.05.2023
Tejwinder

(**HARKESH MANUJA**)
JUDGE

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