

CRM-M-23141-2022

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

CRM-M-23141-2022

Decided on:-04.05.2023

Palwinder Singh

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail during pendency of trial in case FIR No.146 dated 14.11.2021, under Section 22 of NDPS Act, 1985, registered at Police Station Shambu, District Patiala.

2. As per the allegations levelled in the FIR, the petitioner was found possessed with 1200 tablets of Lomotil (total quantity 76 grams).

3. Learned counsel for the petitioner submits that the petitioner is a young boy of 29 years of age, who is behind the bars for the last approximately one and half year and the investigation in the present case already stands concluded with the filing of challan and trial is likely to take some time as only 02 witnesses have been examined out of total of 10 as cited by the prosecution. He further submits that there is no other case registered against the petitioner.

4. On the other hand, learned State counsel vehemently opposes

the prayer made in the present petition on the ground that recovery is of huge quantity and the petitioner was apprehended at the spot.

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

6. Considering the fact that the petitioner has already suffered incarceration for a period of approximately one and half year and the investigation in the present case already stands concluded with the filing of challan and trial likely to take some time as only 02 witnesses have been examined out of total of 10 as cited by the prosecution, besides it, the petitioner being a young boy of 29 years with no past criminal antecedents, I do not find any reason to extend his incarceration any further. Reliance can be placed upon the law laid down by Hon'ble the Supreme Court in "Special Leave to Appeal (Crl.) No.5530/2022, titled as ***"Mohammad Salman Hanif Shaikh vs. The State of Gujrat"***, Special Leave to Appeal (Crl.) No.4173/2022, titled as ***"Shariful Islam @ Sarif vs. The State of West Bengal"*** and Special Leave to Appeal (Crl.) No.5769/2022, titled as ***"Nitish Adhikary @ Bapan vs. The State of West Bengal"***.

7. In view of the above and without expressing any opinion on the merits of the case, the present petition is allowed. 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.

04.05.2023

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No