

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 23674-2022 (O&M)
Date of Decision: 20.02.2023

Chaman Singh alias Chaman

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Bhawan Deep Jindal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 08 dated 18.01.2022, under Sections 22 (B), 61, 85 of NDPS Act and Section 181 of Motor Vehicles Act registered at Police Station Phase 11, District SAS Nagar, Mohali who is alleged to have possessed contraband of 416 intoxicant tablets which comes to 267.2 grams, which is marginally above the commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody since 18.01.2022. He submits that the petitioner has been

falsely implicated in the present case and the alleged recovery is marginally above the commercial quantity. He further submits that challan stands presented and charges have been framed, however, out of total 13 witnesses none has been examined till date and no other case is pending against him and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along with the reply filed by the respondent-State is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from ASI Netar Singh, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he is involved other case as well. However, he does not dispute the fact that the challan stands presented and the charges have been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 18.01.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, she would hamper the course of free and fair trial. Further, since the recovery is marginally above and the challan stands presented and the charges have been framed and trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to him furnishing requisite bail bonds/surety bonds to the

satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

20.02.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No