

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

230

CRM-M-24186-2023 (O&M)

Date of Decision: 07.08.2023

PARAMJIT RAM @ SHERA @ PARAMJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.81 dated 11.04.2019, registered at Police Station City Rajpura, District Patiala, under Sections 15 and 29 of the NDPS Act, the first one having been dismissed on merits by this Court, vide order dated 08.10.2021.

Status report by way of an affidavit dated 07.08.2023 of the Deputy Superintendent of Police, Sub-Division Rajpura, District Patiala, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that though the alleged recovery effected in the present case, is a commercial quantity, yet the fact remains that the petitioner has been in custody for the last more than 4 years and 3 months; that out of total 17 prosecution witnesses, only 3 have been examined so far; that there is no other case registered and/or

pending against the petitioner. He further submits that the petitioner is alleged to be the driver of the truck, from which the recovery was effected and that the said truck was loaded with onions also.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, does not dispute the custody period of the petitioner. He, however, submits that recovery of contraband effected in the present case, falls under commercial quantity and that Section 37 NDPS Act bars the grant of bail to the accused in case of commercial quantity. He further submits that material witnesses are yet to be examined and, thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

Though the recovery effected in the present case is a commercial quantity, yet the fact remains that the petitioner has been in custody for the last more than 4 years and 3 months. There is no other case registered against the petitioner. Most of the prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon.

In view of the above, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars. Resultantly, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No