

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-24560-2023****Date of Decision: May 18, 2023****SUKHDEV SINGH @ SUKHA**

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. M.S. Saini, Advocate for the petitioner.
Mr. Amit Shukla, 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 pending trial in case FIR No.0301 dated 23.11.2022 under Sections 21(c) of NDPS Act at P.S. Special Task Force, District STW Wing, Punjab.

2. As per allegations levelled in FIR, the petitioner was apprehended with 150 grams of heroin.

3. Learned counsel for petitioner submits that petitioner has already suffered incarceration for a period of 5 months and 21 days. He further submits that in the present case the investigation has been concluded with the filing of challan followed by framing of charges on 05.04.2023 and no prosecution witness has been examined so far thus, the trial is likely to take some time. Learned counsel also submits that there is no other case of NDPS Act pending against the petitioner and even the recovery in the present case is of non-commercial quantity.

4. On the other hand, learned State counsel vehemently opposes the prayer made while submitting that there are serious

allegations against the petitioner and the custody period is too less.

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. Considering the fact that, investigation has been concluded with the filing of challan followed by framing of charge on 05.04.2023 and the petitioner has already suffered incarceration for a period of five months and 21 days besides the trial is likely to take some time as none of the prosecution witness has been examined and the petitioner being the first offender, is not involved in any other NDPS Act case as well as the fact that the recovery in the present case is of non-commercial quantity, I do not find any justified reason to extend the incarceration of the petitioner.

7. Thus, 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/Ilalaqa Magistrate/Duty Magistrate.

18.05.2023

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(HARKESH MANUJA)
JUDGE

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