

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-27266-2023

Date of decision: 02.06.2023

ARSHDEEP SINGH ALIAS ARSH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karandeep Singh Sidhu, 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, prayer has been made for grant of regular bail pending trial in case FIR No.161 dated 09.07.2022, under Sections 22(c) of the NDPS Act, 1985, registered at Police Station Lambi, District Sri Muktsar Sahib.

(2) As per the allegation levelled in the FIR, petitioner along with his other co-accused was found in possession of 1000 tablets of Clovedol-100 SR.

(3) Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 11 months now and the investigation in the present case already stands concluded with the filing of *challan*, followed by framing of charges, however, none has been examined, out of total of 14 witnesses cited by the prosecution, thus, the trial is likely to take some time.

(4) On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that commercial quantity of contraband has been recovered from the petitioner along with his co accused; he is not involved in any other case under NDPS Act.

(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 the petitioner is behind the bars for the last more than 11 months now, the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and trial likely to take some time as well as the fact that the recovered quantity of contraband is marginally higher than the non-commercial quantity, the petitioner is not involved in any other case under NDPS Act, I do not find any reason to extend the incarceration of the petitioner any further.

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

June 02, 2023
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(HARKESH MANUJA)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No