

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

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**CRM-M-32669-2022 (O&M)
Date of decision: 07.02.2023**

Shamsher Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. A.S. Brar, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 14.02.2022), the petitioner seeks regular bail in case bearing FIR No.112 dated 22.07.2021, registered at Police Station Sadar Ferozepur, District Ferozepur, under Sections 22 and 25 (added later on) NDPS Act and Sections 379, 411 and 483 IPC (added later on).

Status report by way of affidavit dated 07.02.2023 of the Deputy Superintendent of Police (City), Ferozepur, submitted by the learned State counsel in the Court, is taken on record. Copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel for the petitioner contends that recovery of intoxicating tablets allegedly effected from the petitioner, falls under the non-commercial quantity; that the petitioner has been in custody since 22.07.2021; that there is no other case registered or pending against the petitioner, at least of a similar nature and that the charges were framed on 30.05.2022 but the prosecution witnesses are yet to be examined.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner with 600 tablets and co-accused with 400 tablets, of Tramadol-Hydrochloride 100 MG SR RADOL-100, were apprehended. The material prosecution witnesses are yet to be examined. However, she does not dispute the custody period of the petitioner and the fact that there is no other case under the NDPS Act against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.07.2021. The recovery was effected from the does not fall under the commercial quantity. The petitioner is not involved in any other case of similar nature. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him/her into incarceration.

(HARNARESH SINGH GILL)
JUDGE

07.02.2023

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No