

CRM-M-29873-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29873-2022

Date of decision: 14.03.2023

Kuldeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bikramjeet Singh Jatana, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 26.08.2021), the petitioner seeks regular bail in case FIR No.18 dated 06.02.2021, registered at Police Station Jhunir, District Mansa, under Sections 22 and 25 NDPS Act, 1985, Section 29 NDPS Act, 1985 (added later on), and Section 473 IPC (added later on)

As per the case of the prosecution, recovery of 1150 intoxicating tablets had been effected from the petitioner and co-accused, Sabraj Singh.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though the extent of recovery of intoxicating tablets allegedly effected in the present case, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 08.02.2021; that charges were framed on 28.07.2021;

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and that out of 15 prosecution witnesses, only 02 witnesses have been examined so far. In such circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much less of a similar nature. On this premise, learned counsel prays for the grant of bail to the petitioner. In support of his contentions, learned counsel relies upon the order dated 25.01.2023, delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s).6690/2022, titled as 'Dheeraj Kumar Shukla Vs. State of Uttar Pradesh'.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the aforesaid extent of intoxicating tablets recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. She further submits that material witnesses are yet to be examined. However, she does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.02.2021. Out of 15 prosecution witnesses, only 02 witnesses have been examined so far. The conclusion of the trial will take a long time. There are no past criminal antecedents of the petitioner. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, 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 present petition is

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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.

14.03.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No