

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 32223-2022 (O&M)
Date of Decision: 06.02.2023

Judge Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 101 dated 04.12.2021, under Sections 21, 27 and 29 of NDPS Act registered at Police Station City-2, Abohar, District Fazilka, Punjab.

Learned counsel for the petitioner contends that the petitioner is in custody since 04.05.2022. He submits that the petitioner has been falsely implicated in the present case as the petitioner was not named in the FIR rather he was nominated as an accused on the basis of disclosure statement of one Gora, from whom the recovery has been effected. It is

further submitted that the alleged recovery is marginally above the commercial quantity. He further submits that nothing recovered from the conscious possession of the petitioner and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along with reply has been filed by the respondent-State, which are taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he is a habitual offender since 09 more cases have been registered against him however, does not dispute the fact that nothing has been recovered from the petitioner.

Faced with this learned counsel for the petitioner submits that though the petitioner was named in other FIRs but he is on interim bail in one of the case and has been acquitted in rest of the cases.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 04.05.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the recovery is not from the conscious possession of the petitioner and he has not been named in the FIR and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind the bar.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

06.02.2023
seema

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