

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31133 of 2022 (O&M)
DATE OF DECISION:-12.01.2023

Ranjodh Singh alias Jodha

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G. S. Sandhu, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J.

CRM No.44728 of 2022

This is an application for placing on record the copy of Report under Section 173 Cr.P.C. as Annexure A-1.

Notice of the application.

Mr. Tarun Aggarwal, Sr.DAG, Punjab, accepts notice on behalf of respondent-State and not opposes for placing on record the same.

Application is allowed, subject to all just exceptions.

Report under Section 173 Cr.P.C., as Annexure A-1 is taken on record.

CRM-M-31133 of 2022

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner is seeking grant of regular bail pending trial in FIR No.0104 dated 02.06.2022 for the offence under Sections 21(b) of the NDPS Act, 1985 registered at Police Station Kotbhai, District Sri Muktsar Sahib, Punjab.

The allegations levelled against the petitioner are of alleged recovery of 30 Grams heroin besides a sum of Rs. 5,000/- as drug money. Learned counsel for the petitioner submits that the investigation in the present case has already been concluded, *challan* stands presented and the proceedings before the trial Court are now fixed for 31.01.2023 for consideration of charges.

Learned counsel for the petitioner further submits that once the investigation stands concluded and the alleged recovery is non-commercial, no useful purpose would be served for keeping the petitioner behind the bars.

On the other hand, learned State counsel opposes the prayer made in the petition by submitting that 6 other cases have been registered against the petitioner and out of which one FIR pertains to NDPS Act in which the petitioner stood convicted for a period of one year which he has already undergone.

I have heard learned counsel for the parties and gone through the paper book.

In the present case, the recovery of 30 Grams of heroin has allegedly been made from the petitioner which is non-commercial. The investigation of the case has already been completed, *challan* stands presented, the trial is likely to take long time and the petitioner is behind the bars from 7 months 10 days. As such, no purpose would be served for keeping the petitioner behind the bars for any further period. As regards, the information provided by the learned State counsel regarding one another case registered against the petitioner under the provisions of NDPS Act, it may be clarified that the petitioner was sentenced for a period of one year in

the said case which he has already undergone.

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

12.01.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No