

(209)

2023:PHHC:100393

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

CRM-M-37073 of 2022

Date of Decision: August 04, 2023

Harwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. R.S. Rangpuri, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.0129 dated 23.10.2020 registered under Sections 22-C and 29 (Section 29 added later on) of NDPS Act, 1985 at Police Station Bariwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that 1250 tablets of Tramadol Hydrochloride were recovered from the possession of co-accused Kuldeep Singh @ Kala. Attribution to the petitioner is that his name surfaced in the disclosure statement of Kuldeep Singh alias Kala to the effect that he along with the petitioner used to do the business together and procured narcotics and supplied the same to others.

It is further contended by learned counsel that co-accused Kuldeep Singh from whom the recovery was effected, has already been allowed bail by co-ordinate Bench of this Court vide order dated 25.08.2021 in CRM-M-5321 of 2021 (Annexure P.3) It is further contended that case of the petitioner is on better footing as no recovery

was effected from him.

Learned State Counsel does not dispute the afore-said facts. Learned State Counsel also placed on record the custody certificate revealing that the petitioner is in custody for the last 01 year 03 months and 06 days. He has no criminal antecedents. It is further informed that out of 13 witnesses cited by the prosecution, only 2 have been examined so far.

Having regard to the afore-said facts and circumstances and the fact that trial is likely to take long time and also on the basis of parity, but without commenting anything on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

August 04, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No