

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

214

CRM-M-41314 of 2021 (O&M)

Date of Decision:18.08.2023

Kuldeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Talim Hussain, Advocate, for
Mr. P. S. Sekhon, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.13 dated 09.02.2021, under Section 22-C of the NDPS Act, registered at Police Station Raman, District Bathinda.
2. It is submitted by learned counsel for the petitioner that the petitioner is in custody from 09.02.2021 and only four prosecution witnesses have been examined till date and considering the custody of the petitioner, he may be considered for the grant of regular bail.
3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has submitted that the petitioner is in custody from 09.02.2021 and it is a case where four prosecution witnesses have been examined and five witnesses have been given up and the total prosecution witnesses in the present case are 18 in number

and therefore the trial is going at a fast pace. He submitted that in the present case there was a recovery of 10000 tablets of Tramadol from the petitioner which not only fall within the category of commercial quantity but it is a huge quantity recovered from the petitioner. He further submitted that the petitioner is also involved in one more case bearing FIR No.122 dated 29.12.2020, under Section 22-C, 25 of the NDPS Act, 1985, registered at Police Station SGN Thermal Plant, District Bathinda. He further submitted that learned counsel for the petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act.

4. I have heard learned counsel for the parties.
5. Although the petitioner is in custody from 09.02.2021 but now four prosecution witnesses have already been examined and five witnesses have been given up and total prosecution witnesses as per learned State counsel are 18 in number. The alleged recovery from the petitioner is 10000 tablets of Tramadol which is a very huge quantity. The petitioner is also stated to be involved in one more case under the NDPS Act. Learned counsel for the petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of the NDPS Act. Consequently, finding no merit in the present petition, the same is dismissed.
6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

August 18, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No