

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M No.37249 of 2023 (O&M)
Date of decision: 14.12.2023

Salman Khan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Mandeep Singh Dhaliwal, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

NAMIT KUMAR J. (Oral)

Status report by way of affidavit of Davinder Singh, Deputy Superintendent of Police, Sub-Division Ahmedgarh, District Malerkotla, on behalf of the respondent/State, filed in the Court is taken on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.78 dated 12.06.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Section 25 of the NDPS Act added later) at Police Station Sadar Ahmedgarh, District Malerkotla.

Counsel for the petitioner submits that, as per the allegations, the FIR was registered on the basis of the secret information that one Jaswinder Singh (petitioner herein) who is involved in the business of narcotics, would be coming from Village Balwal towards

main road via link road, in his car bearing No.PB-28-H-0104, for supplying intoxicant tablets and he could be apprehended. Thereafter, a naka was laid down by SI Jagtar Singh along with other co-police officials and the petitioner was arrested and recovery of 150 strips, each strip containing 20 tablets i.e. total 3000 tablets make Bupernorphine and Naloxone Sublingual Tablets IP addseal-N from one transparent envelope and 300 strips, each strip containing 10 tablets i.e. total 3000 tablets make Bupernorphine and Naloxone Sublingual Tablets addseal-N, from another envelope, was effected.

Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that the petitioner was neither named in the FIR nor any recovery was effected from him and his name has been surfaced in the second disclosure statement of the co-accused namely Jaswinder Singh, who has already been granted the concession of regular bail by this Court vide order dated 03.05.2023, passed in CRM-M No.53720 of 2022.

Counsel for the petitioner also submits that the petitioner is in custody for the last 01 year and 14 days; he is not involved in any other case; the investigation is complete; challan has been presented; charges have been framed and there are total 17 PWs cited in the list of witnesses and none has been examined so far and the trial is likely to take considerable long time to conclude and therefore, the petitioner may be enlarged on regular bail.

Per contra, learned State counsel while placing on record the custody certificate opposes the prayer for grant of regular bail to the

petitioner, however, has not disputed the factual position that the petitioner is in custody for the last 01 year and 14 days.

I have heard learned counsel for the parties and perused the record.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year and 14 days; he is not involved in any other case; the investigation is complete; challan stands presented; charges have been framed and out of total 17 PWs, none has been examined yet and the fact that the co-accused of the petitioner has already been granted the concession of regular bail vide order dated 03.05.2023, passed in CRM-M No.53720 of 2022 and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

14.12.2023

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No