

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 39984-2022 (O&M)

Date of Decision: 02.02.2023

Amarnath Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Inderjit Sharma, 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. 0219 dated 25.12.2021, under Sections 22 (c) and 29 of NDPS Act registered at Police Station Sangat, District Bathinda who is alleged to have possessed contraband of 190 tablets of Carisoma and 19 vials levelled as Cocrex each vial 100 ml.

Learned counsel for the petitioner contends that the petitioner is in custody since 25.12.2021 i.e. more than one year and one month. He submits that the petitioner has been falsely implicated in the present case as the alleged recovery has been planted upon the petitioner and that the co-accused Chamkaur Singh Brar has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 21.04.2022 in CRM-M-1718-2022. He further submits that no other case is pending against the petitioner and the investigation is complete and that the conclusion of trial will take sufficient time, therefore, the petitioner be

enlarged on bail.

Custody certificate has been filed by the respondent-State, which is 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. However, does not dispute the fact that challan stands presented and there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 25.12.2021.

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 challan stands presented and the co-accused has already been granted bail 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

02.02.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No