

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-42946-2022 (O&M)
Date of decision: 19.07.2023

PRABHJOT SINGH @ MANNA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.90 dated 29.09.2020, registered at Police Station Behram, District SBS Nagar, under Section 22 NDPS Act, 1985.

Learned counsel for the petitioner submits that the earlier petition i.e. CRM-M-53341-2021, filed by the petitioner, was disposed of with a direction to the trial Court to make an endeavour to conclude the trial at the earliest, but out of 17 prosecution witnesses, only 02 witnesses have been examined so far; that the allegation against the petitioner is that he along with co-accused Sunny Kumar, were apprehended at a shop with 700 tablets of Clovidol 100-SR and 1200 tablets of Alprazolam; that the petitioner has been in custody since 29.09.2020 i.e. 02 years 09 months; that co-accused Sunny Kumar, has already been enlarged on regular bail and that as far as

another case under NDPS Act is concerned, the petitioner is on bail, wherein recovery was non-commercial.

In support of his contentions, learned counsel for the petitioner relies upon the orders dated 15.03.2023 passed by Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 1166-2023 titled as 'Chet Ram @ Ram Veer Vs. Union of India'.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner, but submits that the recovery effected from the petitioner falls under the commercial quantity and that Section 37 of the NDPS Act bars the grant of bail to the accused in case of commercial quantity. The petitioner is a habitual offender and is involved in another case under the NDPS Act. He further submits that out of 17 prosecution witnesses, 02 have been examined and one has been given up, but some of the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Though the recovery effected from the petitioner falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 29.09.2020 i.e. 02 years 09 months; that co-accused Sunny Kumar, has already been enlarged on regular bail and that as far as another case under NDPS Act is concerned, the petitioner is on bail, wherein recovery was non-commercial. Remaining 14 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

19.07.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No