

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

CRM-M-47829-2021

Date of Decision: February 06, 2023

MANJEET SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.39 dated 13.04.2021 under Section 22-C of NDPS Act 1985, P.S. Maur District Bathinda.

Learned counsel for the petitioner submits that in the present case the petitioner is in custody since last 1 year, 9 months and 22 days now and the investigation has already been concluded, challan has also been filed. He submits that out of total 15 witnesses cited by the prosecution only four witnesses have been examined so far and the trial is likely to take some time and thus the further incarceration of the petitioner may not be called for.

On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the recovery is commercial in nature and four witnesses already stand examined.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in submissions made on behalf of learned counsel for the petitioner. The investigation in the present case has already been concluded with the filing of challan, however, only four witnesses have been examined so far out of total of 15 witnesses cited by the prosecution.

Even on merits, I find substance in the submissions made on behalf of the petitioner wherein he submits that it would be highly unbelievable that the person engaged in the business of drug smuggling will carry the contraband in white transparent polythene bag as described in FIR/Challan. In this regard reliance can be placed on a decision passed by this Court on 19.01.2023 in **“Ram Dass @ Ramdas @ Ramna vs. State of Punjab”**. It may also be pointed out here that there is no other FIR of similar nature pending against the petitioner.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, Manjeet Singh is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

06.02.2023
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(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>