

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

235

CRM-M-43953-2023 (O&M)
Date of decision: 12.09.2023

Dharwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Gurpreet Kaur, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 92 dated 06.06.2023 registered under Sections 21, 25, 27(a) of the NDPS Act, at Police Station Lopoke, District Amritsar Rural.
2. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has been indicted in the present case on the disclosure statement of Karaj Singh, who was apprehended with 257 grams of Heroin and drug money of Rs.3,45,000/-; that petitioner has been in custody since 06.06.2023; that there is no other registered or pending case against the petitioner under the NDSP Act and that the challan is yet to be presented.

3. Learned State counsel, while vehemently opposing the prayer for bail, submits that there are specific allegations against the petitioner. The recovery effected in the present case falls under the commercial quantity and the material witnesses are yet to be examined. However, he does not dispute the custody period of the petitioner and that there is no other registered or pending case against the petitioner.
4. I have heard the learned counsel for the parties.
5. The petitioner has been in custody since 06.06.2023. Though the recovery effected from the co-accused falls under the commercial quantity, but the fact remains that no recovery has been effected from the petitioner and there is no other pending or registered case against the petitioner under the NDPS Act. Challan is yet to be presented. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.
6. 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

12.09.2023
Mangal Singh

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