

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

CRM-M-47776-2023

Date of Decision: December 13, 2023

SALWINDER SINGH @ SHINDA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Shubham Kaushik, A.A.G., Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition, the petitioner prays for grant of regular bail in case FIR No.176 dated 23.11.2022 under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Shri Hargobindpur, District Batala (Annexure P-1) wherein, the petitioner being driver of the motor cycle bearing No.PB-06-AB-7826 was apprehended with the alleged recovery of 8000 tablets of Tramadol-Hydrochloride each weighing 100 mg (800 strips each containing 10 tablets).

2. Learned counsel for the petitioner submits that petitioner has already suffered incarceration for a period of one year & one month and the investigation in the present case stands concluded with the filing of challan followed by framing of charges. He further submits that delay in trial is non-attributable to the petitioner.

3. The prayer made herein has been vehemently opposed at the instance of learned State counsel while referring to the huge recovery involved.
4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
5. In the present case, the petitioner has already suffered incarceration for a period of almost one year and one month whereas, the investigation stands concluded with the filing of challan followed by framing of charges way back in May 2023, however, none of the prosecution witness has been examined so far. The petitioner being the first offender and there being delay in disposal of trial, this court does not find justification to extend his incarceration any further.
6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

13.12.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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