

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53024-2021

DATE OF DECISION: JANUARY 16, 2023

HAPPY SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

PRESENT: MR. J.S. DHALIWAL, ADVOCATE FOR THE PETITIONER.
MR. GURDARSHAN SINGH SIDHU, AAG, PUNJAB.

DEEPAK MANCHANDA, J.(ORAL)

The petitioner has preferred this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 127 dated 14.8.2021, under Section 22, 29, 61, 85 NDPS Act, Police Station Bhikhi, District Mansa.

As per the allegations leveled in the FIR, on suspicion, the petitioner alongwith co-accused was apprehended by the police party and on search, have been found to be in possession of 2500 intoxicating tablets of Tramadol Prolonged-Release.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner, who is in custody since 14.8.2021. He submits that the charges stands framed on 23.11.2021, however, out of total 15 prosecution witnesses, no witness has been examined so far. He further submits that petitioner is not involved in any other case of similar nature. He prays that as the trial would still to commence, therefore, the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI

Nacther Singh has opposed the aforesaid prayer and filed his custody certificate which reveals that the petitioner is not involved in any other case of similar nature. However, he has not disputed that the charges stands framed on 23.11.2021, but none of the prosecution witness has been examined till date.

Considering the above background, custody of the petitioner and the fact that charges have already been framed, and the trial is yet to commence, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 16, 2023
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No