

Present: Mr. Raghav Soni, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition is made for grant of regular bail in case FIR No. 69 dated 18.03.2023 registered under Section 21-C of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Special Task Force Mohali, District SAS Nagar.

2. Learned counsel for the petitioner *inter alia* contends that similarly situated co-accused namely Sandeep Singh was granted concession of regular bail by this Court vide order dated 31.08.2023 passed in CRM-M No.33375 of 2023 and the case of the petitioner is identical in nature. No recovery of the alleged contraband was made either from the petitioner or from the co-accused-Sandeep Singh, who was earlier granted regular bail. The petitioner is behind the bars since 18.03.2023 and the investigating agency has already completed the investigation.

3. Per contra learned State counsel has opposed the grant of regular bail on the ground that the petitioner is involved in one more case under the NDPS Act and there is sufficient material on record to indicate the complicity of the petitioner in the alleged crime.

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4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind the bars since 18.03.2023 and the alleged recovery of contraband was from co-accused; investigating agency has already completed investigation and submitted the final report under Section 173 of Cr.P.C. on 04.09.2023. The trial of the case has not made any progress as out of 15 prosecution witnesses cited, none has been examined so far and the trial of case would likely to take a long time to conclude. The culpability of the petitioner would be seen at the time of the trial.

5. Keeping in view the law laid down by Hon'ble Supreme Court of India in 'Prabhakar Tewari Vs. State of U.P. and Another', 2020 (1) R.C.R. (Criminal) 831 and Maulana Mohd. Amir Rashadi vs. State of U.P. and others, 2012(2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

6. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

December 07, 2023
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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |