

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

**CRM-M No. 51091 of 2022
Date of decision: March 14, 2023**

Harjeet Singh @ Jeetu

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Gurinder Singh Hayer, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

Prayer in this petition is for regular bail under Section 439 of the Cr.P.C. in case FIR No.46 dated 24.03.2021 registered at Police Station Kabarwala, Sri Muktsar Sahib, District Sri Muktsar Sahib under Section 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution version 1800 intoxicating tablets containing salt Tramadol Hydrochloride were recovered from the Polythene 'Jhola' which was thrown by the petitioner.

Learned counsel for the petitioner has submitted that petitioner is in custody since 28.03.2021. He has undergone almost two years of imprisonment. Completion of trial will take long time. It is impossible that person would carry contraband in a plastic bag and threw the same on seeing the police party, raising suspicion. In support of his contention, the petitioner has relied upon order dated 22.08.2022 passed by the Hon'ble Supreme Court passed in *Special Leave to Appeal (Crl.) No.5530 of 2022; Mohammad Salman Hanif Shaikh Vs. The State of Gujarat*. He has also

relied upon judgment dated 28.09.2022 passed by Coordinate Bench of this Court in ***CRM-M-2765 of 2022; Ravinderjit Singh @ Ravi Vs. State of Punjab*** and judgment dated 24.08.2022 passed in ***CRM-M-17650 of 2020; Himanshu Verma Vs. State of Haryana.***

Learned State counsel has opposed the present petition. He has fairly conceded that petitioner is in custody since 28.03.2021.

Heard.

As per the version of the prosecution, 1800 tablets salt Tramadol Hydrochloride were recovered from possession of the petitioner which is of commercial quantity. The petitioner has been in custody for almost last two years. The completion of trial will take long time. In case *Mohammad Salman Hanif Shaikh's case (supra)* the petitioner who was arrested in such like case was released on bail only keeping in view the custody period spent by him. It is not the case of prosecution that petitioner would abscond or flee from justice if released on bail. So, the petition is allowed and petitioner is directed to be released on bail subject to furnishing of bail/surety bonds to the satisfaction of the trial Court/Duty Judge concerned.

(GURBIR SINGH)
JUDGE

March 14, 2023
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Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No