

2023:PHHC:131517

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM M-48364 of 2023
Date of Decision: 10.10.2023

Makhan Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Chahit Bansal, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.80 dated 15.06.2023 registered under Sections 22/29/61/85 of NDPS Act at Police Station Barnala, District Barnala.

2. Learned counsel for the petitioner submits that the petitioner was not named in the present case and has been falsely involved on the basis of the disclosure statement suffered by Gurpreet Singh and Satveer Singh. He further contends that the police had wrongly planted a recovery of 120 tablets of Alprasaft-0.5 on him and now the FSL report has been received. After taking into consideration the FSL report, the quantity of Alprazolam salt from the present petitioner is 14 grams, which is non-commercial in nature. Learned

counsel further submits that the investigation against him is almost complete and further detention will serve no meaningful purpose.

3. On the other hand, learned State counsel has opposed the prayer made by the learned counsel for the petitioner on the ground that two more cases under the Excise Act have already been registered against the present petitioner. However, the petitioner was on bail in the said two cases.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner was arrested on 18.06.2023 and is in custody for the last more than 03 months and 21 days. Even, the FSL report has been received. The case of the prosecution is primarily based on the testimonies of the official witnesses and the petitioner may not be in a position to tamper with the evidence.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned

10.10.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No