

CRM-M-13081-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13081-2023

Date of decision: 03.08.2023

MANA SINGH

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.S.Sandhu, Advocate,
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.16 dated 25.01.2021, registered at Police Station Bahawala, District Fazilka, under Section 22(c) NDPS Act.
2. Status report dated 03.08.2022 by way of affidavit of the Deputy Superintendent of Police (Inv.) Additional Charge of DSP Rural, Abohar, filed in the Court today, is taken on record.
3. As per the case of prosecution, recovery of 5000 intoxicating tablets was effected from the petitioner.
4. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though extent of intoxicating tablets allegedly recovered in the present case, falls under commercial quantity, yet the fact remains that the petitioner has been in

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custody since 28.01.2021 and that out of 08 prosecution witnesses, only 03 witnesses have been examined till date. So far as another case registered against the petitioner, under the NDPS Act, is concerned, the same pertains to the recovery of non-commercial quantity and the petitioner has been bailed out therein.

5. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of intoxicating tablets effected in the present case, falls under commercial quantity and that Section 37 NDPS Act bars the grant of bail to the accused in case of commercial quantity. It is further submitted that material witnesses are yet to be examined and that the petitioner is a habitual offender.

6. I have heard learned counsel for the parties.

7. Indisputably, extent of intoxicating tablets recovered in the present case, falls under commercial quantity, but the fact remains that the petitioner has been in custody for the last more than 02 years and 06 months. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. So far as another case registered against the petitioner, under the NDPS Act, is concerned, the same pertains to the recovery of non-commercial quantity and the petitioner has been bailed out therein.

8. In view of the above, this Court finds that no useful purpose would be served by keeping the petitioner behind the bars. Resultantly, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the

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satisfaction of the learned trial Court/Duty Magistrate.

03.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No