

CRM-M-46255 of 2019

**2023:PHHC:056764
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-46255 of 2019
Date of Decision: 21.04.2023**

Naresh Kumar

.....*Petitioner*

Versus

State of Punjab

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Dhruv Dayal, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.38 dated 11.04.2019 under Section 22 of NDPS Act registered at P.S Longowal, District Sangrur.

Brief facts of the prosecution case are that on 11.04.2019, SI Joginder Singh CIA Staff Bahadur Singh along with police party was present at Govt High School, near Bus Stand Badrukhan in connection with patrolling and checking of suspected persons/vehicles. At about 5.30 p.m, he received secret information that Naresh Kumar (petitioner) and Varinder Singh were indulging in selling intoxicant tablets in Punjab by bringing the same from Haryana. Both were coming on motorcycle bearing No.HR-80-C-4464 from Haryana with the alleged contraband and going towards Longowal through Badrukhan to Bhamabadi for selling same and if a nakabandi was conducted at drain bridge village Badrukhan, they could be apprehended. Accordingly, naka was laid and both the accused were nabbed. 16500 intoxicant tablets labelled as Alprazole 0.5 in 1650 strips having 10 tablets in each strip bearing batch No.PCCAA 379 MFG 2/2021, EXP 1/2022 with average weight 121 mg per tablet containing 1996.500 gram Narcotics Drugs and Psychotropic Substance Alprazolam and 3500

intoxicant tablets labelled as Triosr 100 mg in 350 strips having 10 tablets in each strip bearing batch No.TRI 18062 MFG JAN 2019 EXP DEC 2021 with average weight 434 mg per tablet containing 1519.000 gram Tramadol Hydrochloride were recovered from their conscious possession.

Learned counsel for the petitioner points out that the trial has been delayed on account of non-appearance of co-accused Varinder Singh, who is on interim bail. Petitioner is not involved in any other criminal case and has been behind bars for the last four years and eight days.

Upon notice, status report by way of affidavit of DSP, Sub Division Sunam, District Sangrur has been filed in Court today.

Learned State counsel, on instructions from ASI Onkar Singh, states that the prosecution evidence in the case has concluded and the case is now fixed for 26.04.2023 for defence evidence.

Without commenting anything on the merits of the case and also bearing in mind the custody period, in my opinion, no useful purpose will be served by detaining the petitioner behind bars. The petition is allowed. The petitioner Naresh Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

April 21, 2023
manoj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No