

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(221)

CRM-M-58699 of 2022
DATE OF DECISION:-14.03.2023

Maura & Moura

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K. B. Raheja, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.269 dated 06.09.2021 under Sections 21, 29, 61, 85 of the NDPS Act, 1985, registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1).

The allegations levelled against the petitioner are about recovery of 50 gm. of heroin from the spot followed by recovery of 1 Kg. 360 gm. of heroin from a rented accommodation owned by Rajesh Kumar. Learned counsel for the petitioner submits that the recovery effected from the petitioner, on the spot was of non-commercial quantity whereas, the recovery of 1Kg. 360 gm effected from the residential accommodation could not be attributed to the petitioner as the said house was rented out in favour of co-accused Virk @ Vicky by the original owner Rajesh Kumar as per rent deed dated 27.08.2021. Learned counsel further submits that petitioner is behind the bars for a period of almost 1 year, 6 months & 4 days whereas charges were framed on 27.05.2022, however, out of the total

18 witnesses cited by the prosecution, none has been examined so far and the conclusion of the trial is likely to take some time, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that there is one another case of similar nature pending against the petitioner, though, the same pertained to recovery of non-commercial quantity besides another case under Arms Act.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Upon conclusion of the investigation in the present case, charges were framed way back on 27.05.2022, however, none of the prosecution witness has been examined so far. Petitioner is behind the bars for a period of 1 year, 6 months and 4 days now. Recovery effected from the petitioner at the spot was of non-commercial quantity i.e. 50 gm. of heroin whereas the issue pertaining to recovery of 1 kg. 360 gm. of heroin from a residential accommodation which was rented out in favour of co-accused Virk @ Vicky as per rent deed dated 27.08.2021, can be partly attributed to the petitioner is yet to be ascertained during trial. It has been informed by learned counsel for the petitioner that petitioner is already on bail in the aforementioned two cases which have been out by the learned State counsel. In the fact of the present case, trial is likely to take some time, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the

satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

14.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No