

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

(217)

CRM-M-60474 of 2022
DATE OF DECISION:-11.04.2023

Kuldeep Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kuldeep V. Singh, 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.0118 dated 24.07.2022 under Section 18 of NDPS Act, registered at Police Station Division No.2, Police Commissionerate, Jalandhar.

In the present case, allegations against the petitioner are of alleged recovery of 2 Kg. and 650 gram of opium.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges vide order dated 14.02.2023. He also submits that petitioner is behind the bars for a period of 8 months and 16 days and there is no other case of similar nature pending against the petitioner. Learned counsel further submits that recovery in the present case though of commercial quantity but the same is marginally higher than the non-commercial quantity and places reliance upon the decision rendered by this Court in the cases of **Ladwinder Singh @ Laddi Vs. State of Punjab** passed in **CRM-M-44383-2022 (O&M)** on 23.01.2023 and **Sita Ram Vs.**

State of Punjab passed in CRM-M-25692 of 2017 on 26.10.2017.

On the other hand, learned State counsel opposes the prayer made herein while submitting that custody period of the petitioner is less as the quantity recovered from the petitioner is of commercial quantity.

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.

The allegations levelled against the petitioner are of alleged recovery of 2 Kg. and 650 gram of opium which is marginally higher than the non-commercial quantity. Investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges vide order dated 14.02.2023 and the petitioner has suffered incarceration for a period of 8 months now. The trial is likely to take some time as none of the prosecution witness has been examined so far. Considering the decisions relied upon by the learned counsel for the petitioner in cases of **Ladwinder Singh @ Laddi (supra)** and **Sita Ram (Supra)**, 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.

11.04.2023
anil

(HARKESH MANUJA)
JUDGE

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