

222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1140-2024
Decided on:-16.01.2024

Jagwinder Singh
vs.
....Petitioner..

State of Punjab
....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amanpreet Singh Dhindsa, Advocate for the petitioner.
Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.167, dated 17.12.2022, registered under Section 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”), at Police Station Ghanaur, District Patiala.
2. In the present case, petitioner along with his co-accused has been implicated for the alleged recovery of 56 strips each containing 60 intoxicant tablets i.e. 3360 of *Lomotil Diphenoxylate Hydrochloride* and *Atropine Sulphate*, weighing 215.04 grams.
3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the recovery in the present case is of commercial quantity and the custody period of the petitioner is too less; Moreover, petitioner was convicted in one another case of NDPS Act, though related to non-commercial quantity, thus, he prays for dismissal of the present petition.
4. I have heard learned counsel for the parties and gone through

the paper book and find substance in the submissions made on behalf of the petitioner.

5. Though, the petitioner was convicted in one another case of NDPS Act, however, in the said case, the alleged recovery was of non-commercial quantity.

6. In the present case, the petitioner is behind the bars for the past almost 01 year and 28 days and the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges on 21.08.2023, and thereafter, even after expiry of more than 04 months, none of the prosecution witness has been examined so far out of total 20 witnesses as cited by the prosecution, besides it, there is serious dispute about the conscious possession of the contraband. Moreover, the co-accused of the petitioner namely, Gurtej Singh has already been granted the concession of regular bail by this Court vide order dated 12.12.2023 passed in CRM-M-61557-2023. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

7. Without commenting anything on the merits of the case, 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 adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

16.01.2024
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(HARKESH MANUJA)
JUDGE

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