

CRM-M-2101-2024

221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2101-2024
Decided on:-19.01.2024

Harpreet SinghPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karanjeet Singh Brar, 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.202, dated 12.09.2023, registered under Section 22 (b) of the NDPS Act, 1985, at Police Station Talwandi Sabo, District Bathinda.

2. In the present case, the petitioner along with his co-accused was apprehended and alleged recovery of 80 tablets of 'Tramadol' in a transparent bag was effected.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner is involved in two other cases of NDPS Act.

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. Admittedly, the recovery involved in the present case falls under the non-commercial quantity and the investigation in the present case already stands concluded on 04.12.2023 with the filing of challan. The petitioner is behind the bars for the past 04 months & 08 days, who is a young boy of 29 years of age. In addition, the petitioner is involved in two other cases of NDPS Act but in those cases, the recovery was of non-commercial and thus, rigors of Section 37 of the Act do not apply. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further

6. 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 Trial Court/Duty Magistrate.

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

19.01.2024
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(HARKESH MANUJA)
JUDGE

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