

CRM-M-3814-2024

231 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3814-2024
Decided on:-30.01.2024

Sandeep SinghPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gursharan Singh, 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.01, dated 12.01.2022 registered under Sections 22(c) & 29 of NDPS Act, 1985 at Police Station Khamano, District Fatehgarh Sahib.

2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of alleged recovery of 1000 tablets of 'Alprazolam' and 24000 tablets of 'Lomotil Diphenoxylate Hydrochloride' from the dash board of car.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the huge recovery of contraband which was effected from dash board of the car.

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. In the present case, petitioner has already suffered incarceration for a period of more than 02 years whereas, the investigation stands concluded with filing of challan followed by framing of charges on 19.07.2023, however, only 01 prosecution witness has been examined so far out of 20 witnesses cited by the prosecution, besides it, there is no other case of NDPS Act pending against the petitioner. Moreover, co-accused of the petitioner namely, Harpreet Singh and Avtar Singh have already been granted the concession of regular bail by this Court vide orders dated 14.12.2023 passed in CRM-M-11897-2023 and order dated 24.01.2024 passed in CRM-M-61068-2023, respectively. Thus, considering the aforesaid facts particularly that the petitioner has already suffered incarceration for a period of more than 02 years resulting into denial of speedy trial, I do not find any justification to extend the incarceration of the petitioner.

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 an expression of opinion on the merits of the case.

30.01.2024
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(HARKESH MANUJA)
JUDGE

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