



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

235

CRM-M-6329-2024
Date of Decision: 25.10.2024

Sarthak Jindal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. P.S.Sekhon, Advocate
for the appellant.

Mr. Rahul Jindal, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

1. Petitioner has filed this first petition for grant of regular bail under Section 439 Cr.P.C., 1973 in case FIR No.123 dated 30.07.2022 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City-II, Malerkotla, District Malerkotla.
2. Learned counsel for the petitioner contends that the petitioner is in custody since 01.09.2023. He submits that the petitioner has been falsely implicated in the present case and was not even named in the FIR. He submits that on the disclosure statement of co-accused, namely, Tasleem Arif, petitioner has been nominated, when he was already in custody in a case FIR No.125 dated 11.06.2023. He further submits that no recovery was effected from conscious possession of the petitioner. He further submits that now the



challan stands presented and charges have been framed on 24.04.2024 and trial is pending for prosecution evidence, and conclusion of trial will take sufficient time to conclude, therefore, the petitioner be enlarged on bail.

3. Status report by way of affidavit dated 17.10.2024 of Kuldeep Singh, PPS, Deputy Superintendent of Police, Sub Division Malerkota, District Malerkotla has been filed on behalf of respondent-State, which is taken on record.

4. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature as the contraband recovered in the present case is commercial in nature. He further submits that the firm, namely, M/s S.K.Pharma of whom petitioner is a partner, was not allowed to purchase and sale drug having Tramadol Hydrochloride, however, can sale drug having Alprazolam after maintaining proper sale and purchase record. He, while referring to the custody petitioner submits that petitioner is also involved in one more case of similar nature. However, he does not dispute that challan stands presented and out of total 17 prosecution witnesses, 06 witnesses have already been examined.

5. I have heard learned counsel for the parties.

6. Petitioner is in incarceration since 01.09.2023.

7. It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Moreover, nothing was recovered from the conscious possession of the petitioner, who has been nominated on the disclosure statement of the co-accused during interrogation and out of total 17 prosecution

witnesses only 06 witnesses have been examined. Since the challan stands presented conclusion of trial would take sufficient time, so no useful purpose would be served in keeping the petitioner behind bars.

8. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

9. The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

25.10.2024
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No