

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+221

2024:PHHC:048575

CRM-M-8197-2024

Date of Decision.:09.04.2024

Harpal Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:-HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)
CRM-15491 of 2024

This is an application to place on record the copies of previous orders passed by this Court as Annexure P-3 to Annexure P-5.

Allowed.

Annexure P-3 to Annexure P-5 are taken on record, subject to all just exceptions.

CRM-M-8197 of 2024

The petitioner is seeking regular bail by way of the present petition filed under Section 439 Cr.P.C in case FIR No.145 dated 13.09.2022 registered under Sections 21, 22, 29 of NDPS Act, 1985, registered at Police Station Bhargo Camp District Jalandhar.

2. This is the Fourth petition for this purpose. First petition bearing CRM-M-16052 of 2023 was dismissed as withdrawn vide order dated

12.04.2023 (Annexure P-3). Second petition bearing CRM-M-32510 of 2023

was dismissed as withdrawn on 12.09.2023 due to mentioning of wrong facts (Annexure P-4). Third petition bearing CRM-M-48396 of 2023 was also dismissed as withdrawn vide order dated 06.11.2023 (Annexure P-5).

3. The allegations against the petitioner are that on 13.09.2022, he was apprehended and from his possession 260 grams of Tramadol Hydrochloride, which falls in the commercial category and 15 grams of heroin was recovered.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that the petitioner is in custody for the last more than 1 year and 6 months and that; the trial is likely to take a long time to conclude.

5. Although status report has not been filed by the State counsel despite opportunity but the factual position is not disputed by him. Bail is opposed on the ground that recovered quantity of contraband falls in the commercial category.

6. Learned State counsel has filed the custody certificate which reveals that the petitioner is in custody for the last 1 year, 6 months and 27 days. He is involved in one more case pertaining to the NDPS Act. Learned State counsel concedes that petitioner is on bail in case arising out of FIR No.17 of 2020, registered at Police Station Fattu Dzinga. Learned counsel for petitioner has also placed on record a copy of the bail order in this regard.

7. Learned State counsel on instructions from ASI Sanjeev Kumar also informs this Court that out of 9 witnesses cited by the prosecution, only one has been examined so far. Thus trial is likely to take a long time. The recovered quantity of contraband is marginally higher than the commercial quantity.

8. Having regard to all the aforesaid facts and circumstances but without commenting anything further on the merits of the case, this petition is

allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

April 09, 2024
Poonam Sharma

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No