

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M No.8637 of 2024
Date of Decision: 06.03.2024

CHANDAN PARKASH ALIAS LUCKY @ SONUPetitioner

Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. S.P.S. Khaira, Advocate and
Mr. Kunal Choksi, Advocate for the petitioner.

Mr. Siddharth Sandhu, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.143 dated 23.10.2019 registered under Sections 22, 25, 29 of NDPS Act at P.S. Doraha, District Ludhiana, Punjab.
2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statement made by co-accused Pushpinder Sehdev followed by recovery of 200 tablets of Tramadol Hydrochloride from him.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that recovery of 99000 tablets of Tramadol Hydrochloride was made from co-accused Pushpinder Sehdev and the petitioner was involved in three more cases under the provisions of NDPS Act involving commercial quantity in two cases and in one non-commercial quantity; though in one of the case the petitioner was convicted against the recovery of commercial quantity.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, the total recovery effected from the petitioner is 200 tablets of Tramadol Hydrochloride, who was implicated on the basis of disclosure statement made by Pushpinder Sehdev. Petitioner is behind the bars for the last 04 years 04 months and 07 days; Out of total 19 prosecution witnesses, 05 prosecution witnesses have been examined so far and the trial is likely to take some more time in its culmination.
6. Though the petitioner is involved in two more cases involving commercial quantity and the rigour of Section 37 of the NDPS Act apply to the facts of the present case, however considering the long custody period of the petitioner which is more than 04 years and 04 months which apparently strikes against his fundamental right under Article 21 of the Constitution of India, I do not find any justification to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned 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.

March 06, 2024
Atik

(HARKESH MANUJA)
JUDGE

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