

CRM-M-8916-2024

2024:PHHC:050940

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221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8916-2024

Decided on:-16.04.2024

Budha Ram

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kanisth Ganeriwala, Advocate for the petitioner.

Mr. Athar Ahmed, DAG, 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.103, dated 23.09.2022, registered under Sections 18 and 29 of the NDPS Act, 1985, at Police Station Mehna, District Moga.

2. In the present case, petitioner has been implicated along with his co-accused for the alleged recovery of 3 kgs of 'Opium'.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that the recovery involved in the present case is of commercial quantity and petitioner is likely to commit similar offence in future.

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 petitioner is a young man of 26 years of age, who is behind the bars for the last more than 01 year & 06 months; the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges on 07.07.2023; 05 of the prosecution witnesses have been examined out of total of 14 witnesses and trial is likely to take some time. Moreover, co-accused of the petitioner, namely, Rakesh has already been granted the concession of regular bail by this Court vide order dated 19.01.2024 passed in CRM-M-45455-2023.

6. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

7. 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.

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

16.04.2024
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(HARKESH MANUJA)
JUDGE

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