

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8790-2024
Date of Decision:29.02.2024

Harjinder Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 50 dated 20.05.2023, registered under Section 22/29 of NDPS Act, Police Station Lohian, District Jalandhar Rural, Punjab.
2. Learned counsel for the petitioner contends that the petitioner has neither been named in the FIR nor he was presented at the place of alleged recovery. Learned counsel further contends that petitioner was arrested in the present case on 13.09.2023 and the final report under Section 173 Cr.P.C has already been presented against him. Learned counsel next contends that the charge was ordered to be framed against him on 15.11.2023 and the Trial Court may take considerable long time in concluding the trial proceedings. Learned counsel further contends that the prosecution has placed reliance on the official

witnesses in the present case and petitioner is not in a position to influence the witnesses. He next submits that in the present case, no offence under Section 22/29 of the NDPS Act is made out against the petitioner, as the drug was allegedly recovered is a schedule H drug, which means that manufacturing and dispensation is controlled and not banned.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner, however, he admits that no other criminal case was registered against the present petitioner.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 13.09.2023 and the final report under Section 173 Cr.P.C has already been presented against him. Trial Court may take considerable long time in concluding the trial. Even no recovery was effected from the present petitioner and his case is clearly distinguishable from the case of Salim Masih, co-accused.

6. Without commenting 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 bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

29.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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