

CRM-M-9933-2023 (O&M)

206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9933-2023 (O&M)
Decided on:-19.01.2024

Gurpreet SinghPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

HARKESH MANUJA J. (Oral)

CRM-35445-2023

Application is allowed as prayed for. FSL report dated
14.03.2023 (Annexure P-3) is taken on record, subject to all just exceptions.

Main case

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.07, dated 01.02.2022, registered under Sections 22, 25 and 29 of NDPS Act, 1985, at Police Station Sudhar, District Ludhiana.
2. In the present case, the petitioner along with his co-accused (Bugar) was apprehended and recovery of 4930 intoxicant tablets containing salt of 'Tramadol' was effected.
3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while referring to the huge recovery of

intoxicant tablets.

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. A serious dispute has been raised qua the FSL report having been noticed in order dated 03.05.2023 passed by this Court, which shall be gone into by the trial Court. Admittedly, in the present case, the petitioner is behind the bars for the past almost 01 year & 11 months, the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and so far only 01 prosecution witness has been examined out of total 18 witnesses as cited by the prosecution, besides it there is no other case of NDPS Act pending against the petitioner. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. 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.

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

19.01.2024
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(HARKESH MANUJA)
JUDGE

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