

216

2024:PHHC:029715

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-10012-2024

Date of Decision: March 01, 2024

RESHAM SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karanbir Singh, Advocate for the petitioner.
Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 89 dated 28.08.2022 registered under Sections 15/15C/29/61/85 of NDPS Act at P.S. Bilga, District Jalandhar wherein, the petitioner has been implicated against the alleged recovery of 20 kilograms of poppy husk.
2. Custody certificate has been filed by learned State counsel today in Court, the same is taken on record. The prayer made herein has been opposed at the instance of learned State counsel while referring to the involvement of the petitioner in five another case of similar nature besides one under the provisions of Excise Act.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges and so far only one

witness has been examined out of total of 10 cited by the prosecution. Moreover, the petitioner is already behind the bars for a period of 1 year and 6 months by now and the recovery in the case at hand is of non-commercial quantity. As regards other 5 cases under NDPS Act, undisputedly, in three of the cases he already stands acquitted and in the other two which relate to non-commercial quantity, he has been granted concession of regular bail. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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 learned trial Court/Duty Magistrate.

01.03.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>