

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 10682 of 2024 (O&M)
Date of Decision: 06.03.2024**

Tajinderpal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Raj Kumar Gupta, Advocate for
Mr. Vikas Kuthiala, Advocate
for the petitioner.

Mr. Siddharath Sandhu, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 84 dated 29.05.2023, under Sections 22-C, 29, 61 & 85 of NDPS Act, 1985, registered at Police Station Sirhind, District Fatehgarh Sahib, wherein he was implicated on the basis of disclosure statement made by one Rohit followed by recovery of 700 tablets of Tramadol.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while referring to the recovery, which is of commercial quantity.

[3] I have heard learned counsel for the parties and gone through the paper-book.

[4] In the present case, the investigation already stands concluded with the filing of challan, followed by framing of charges and the conclusion

of trial may take some time as out of 35, none of the prosecution witnesses has been examined so far. The petitioner is already behind the bars since 29.05.2023, i.e. for the past almost nine months and the recovery is marginally higher than the commercial quantity, besides the implication of the petitioner being based on disclosure statement of co-accused-Rohit as well as in the special circumstances, wherein the infant of the petitioner is suffering with serious brain injury / disease, requires constant supervision and there being no other case pending against the petitioner. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

[5] In view of the above, but 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 Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

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

[7] Pending miscellaneous application(s), if any, shall also disposed off.

March 06, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No