

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 11610 of 2024 (O&M)
Date of Decision: 03.04.2024

Bohar Singh
..... Petitioner

Versus

State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Athar Ahmad, Deputy 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.34 dated 30.09.2023, under Sections 21(C) & 29 of NDPS Act, registered at Police Station State Special Operations Cell Fazilka, District Intelligence Wing (CID), wherein he has been implicated against the alleged recovery of 254 grams of *heroin*.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while submitting that the recovery involved in the present case falls under commercial quantity, besides it, the petitioner is involved in five more cases of IPC.

[3] 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.

[4] In the present case, the petitioner is behind the bars for the last about six months by now; the investigation already stands concluded with the filing of challan followed by framing of charges; however, none of the prosecution witnesses has been examined so far; thus, the conclusion of trial may take some time. Also, the recovered contraband is just marginally higher than the non-commercial quantity. Moreover, admittedly, the petitioner is not involved in any other case falling under the NDPS Act and out of five cases, as pointed out by learned State Counsel, he stood acquitted in two cases, while in three other cases, he is already on bail. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

[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.

April 03, 2024

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**(HARKESH MANUJA)
JUDGE**

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