



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 11450 of 2024 (O&M)
Date of Decision: 27.05.2024

Sarfraj alias Raj

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. Karunesh Kaushal, 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.13, dated 13.02.2023, under Sections 22/61/85 of NDPS Act, 1985, registered at Police Station Urban Estate, District Patiala, wherein he has been implicated with the allegations of alleged recovery of 512 loose intoxicant capsules make PROXYWEL SPAS.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 13.02.2023 and the trial of the case will take long time; thus, prayer is for grant of bail.

[3] Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while referring to the huge recovery of contraband, besides the involvement of petitioner in one more case of NDPS Act,

involving 15 grams of Smack; thus, prays for dismissal of the present petition.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges and the petitioner is behind the bars since 13.02.2023, i.e. for the last more than one year and three months; however, one of the prosecution witnesses has been examined so far out of total 11 witnesses cited by the prosecution and thus, the conclusion of trial may take some time. Moreover, as per the prosecution story, on seeing the policy party, the petitioner, who was allegedly carrying a transparent polythene bag, took it out from the pocket of his brown jacket, and threw away the same towards the left side of the vacant space and turned back. Thus, in such circumstances, wherein the recovery was never effected from the conscious possession of the petitioner, its connection with the petitioner is required to be debated upon during trial. Further, the involvement of petitioner in one another case of NDPS Act, relates to non-commercial quantity. In view thereof, this Court does not find justification to extend the incarceration of the petitioner any further.

[6] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

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

May 27, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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