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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16113-2024
Date of decision:-18.07.2024

MUKHWINDER SINGH @ SUKHWINDER SINGH
@ DOCTOR KHINDI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amardeep Singh, Advocate for the petitioner.
Mr. Adesh Pal Singh, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed custody certificate dated 17.07.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
10	30.01.2024	18-B NDPS Act	Sarhali, District Tarn Taran



3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and he is in custody since 30.01.2024 and the alleged recovery in this case happens to be 500 grams of opium, which does not fall within the purview of commercial quantity. He submits that challan has already been presented in Court against the petitioner and disposal thereof will take sufficient long time and hence he prays for grant of concession of bail to the petitioner.

4. Per contra, learned State counsel has opposed the bail petition by arguing that the petitioner was found keeping in his conscious possession 500 grams of opium, as such he is not entitled to concession of regular bail. Hence he prays for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it transpires that allegations levelled against the petitioner by the prosecution happens to be that he was keeping in his conscious possession 500 grams of opium. Admittedly, the same does not fall within the purview of commercial quantity. The petitioner is in custody since 30.01.2024, challan has already been presented in Court, whereas prosecution has cited 10 witnesses, however none of them have been examined as of now. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner any longer in custody.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in



any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |