

S. No.218

2024:PHHC:016161

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

CRM-M-16647 of 2023

Date of Decision:06.02.2024

Jaswinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.57 dated 16.05.2022 registered under Section 22 (Act No.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per allegations, 2480 tablets of Clovedol 100 SR containing the salt of Tramadol Hydrochloride were recovered from possession of the petitioner on 16.05.2022. The weight of the narcotic substance was found to be 636.81 grams, which is above the commercial category as it starts from 250 grams.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that no option was given to him prior to conducting search; that petitioner is in custody for the last more than 01 year and 08 months with no other criminal case against him and that co-accused Satnam Singh has already been allowed bail by this Court vide order dated 13.03.2023 in CRM-M-56591 of 2022 (O&M).

Learned State Counsel does not dispute the fact that petitioner is in custody for the last 01 year, 08 months and 22 days as per the custody certificate

placed on record and that he has no other criminal case against him. However, the bail petition is opposed on the ground that the recovered contraband falls in the commercial category. Learned State Counsel also submits that co-accused Satnam Singh was allowed bail as he was nominated on the basis of disclosure statement and thus the petitioner cannot claim parity. Learned State Counsel also informs that the charges were framed in this case in January, 2023 but out of ten witnesses only one has been examined so far.

Having regard to custody period of the petitioner, the fact that trial is going at snail’s pace and it may take long time to conclude and also the fact that petitioner has no criminal antecedents but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 06, 2024
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(DEEPAK GUPTA)
JUDGE

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