

233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16289-2024
Decided on:-09.04.2024

Rajinder Singh @ RajuPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. DPS Bajwa, Advocate for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.123 dated 11.08.2023, registered under Section 18/61/85 of the NDPS Act, 1985, at Police Station Dhanaula, District Barnala, wherein, the petitioner has been implicated against the alleged recovery of 02 Kg & 600 grams of “Opium”.
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the recovery involved in the case in hand, which is of commercial quantity, besides the period of custody, which is approximately 08 months and thus, prays for dismissal of the present petition.
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. A perusal of record shows that the investigation already stands

concluded with the filing of challan followed by framing of charges and none of the prosecution witness has been examined so far, as such, trial is likely to take some time. The petitioner is in custody for the last almost 08 months, besides it, the recovery is marginally higher than the commercial quantity and as such, I do not see any reason to extend the incarceration of the petitioner, especially, when the petitioner is not involved in any other case of NDPS Act.

5. 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 concerned Trial Court/Duty Magistrate.

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

09.04.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No