

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

234

**2024:PHHC:048537
CRM-M-16305-2024
Date of Decision.:09.04.2024**

Anil Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:-HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Kumar, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.52 dated 19.03.2023, registered under Section18 of the NDPS Act 1985, registered at Police Station Sadar, District Ludhiana.

2. This is the 3rd petition for this purpose. The first petition bearing CRM-M-32865 of 2023 was dismissed as withdrawn vide order dated 14.07.2023 (Annexure P-2). 2nd bail petition bearing CRM-M-53117 of 2023 was also dismissed as withdrawn vide order dated 07.12.2023 (Annexure P-3).

3. Learned counsel submits that ever since then, a period of more than 4 months have expired and the trial has not proceed.

4. As per the allegations, petitioner along with co-accused was found in possession of 2 kg 700 grams of opium on 19.03.2023.

5. Learned counsel contends that the petitioner has been falsely implicated; that he is not involved in any other case and that trial may take some time to conclude.

6. Notice of motion.
7. Mr. Baljinder Singh, DAG, Punjab, accepts notice on behalf of the respondent-State.
8. Learned State counsel has opposed the bail petition on the ground that quantity as recovered from the petitioner falls in the commercial category. However, custody certificate filed by the learned State counsel reveals that the petitioner is in custody for the last 1 year and 18 days. It is further revealed that the petitioner has no other criminal case pending against him.
9. Learned State counsel also informs that after concluding the investigation, challan has already been filed. Even the charges have been framed but not even a single witness has been examined out of 13 cited by the prosecution. Thus, trial is likely to take time to conclude. The recovered quantity of contraband is marginally higher than the commercial category.
10. Having regard to the aforesaid facts and circumstances but without commenting anything further on the merits of the case, the present petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

April 09, 2024
Poonam Sharma

(DEEPAK GUPTA)
JUDGE

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