



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-18575-2024

Date of Decision: 22.05.2024

ROSHAN KUMAR SHARMA

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Saurav Kanojia, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

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, under Section 18 (c) of the NDPS Act 1985 (Section 29 of the NDPS Act added later on), registered at Police Station Sadar, District Ludhiana.

2. This is the 3rd petition. The first petition bearing CRM-M-32892 of 2023 was dismissed as withdrawn vide order dated 14.07.2023 (Annexure P-4). 2nd bail petition bearing CRM-M-58964 of 2023 was also dismissed as withdrawn vide order dated 07.12.2023 (Annexure P-5).

3. Learned counsel submits that ever since then, a period of more than 5 months have expired and the trial has not proceeded.

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. Learned counsel contends that a similarly placed co-accused, namely, Anil Kumar has already been allowed bail by this Court



vide order dated 09.04.2024 (Annexure P-3) passed in CRM-M-16305-2024.

6. Learned State counsel has opposed the bail petition on the ground that quantity as recovered from the petitioner falls in the commercial category. However, learned State counsel could not refute the aforesaid contention that the case of the petitioner is on parity with co-accused, namely Anil Kumar, who has already been allowed bail vide order dated 09.04.2024 (Annexure P-3) passed in CRM-M-16305-2024.

7. As per custody certificate, petitioner is in custody for the last 01 year, 01 month and 29 days with no criminal antecedent.

8. 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.

9. Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, the present petition is allowed. 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.

22.05.2024
pry/sarita

(DEEPAK GUPTA)
JUDGE

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