

2024:PHHC:079095



S. No.205

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

CRM-M-26908 of 2024

Date of Decision:31.05.2024

Mukesh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Amandeep Kaur, Advocate for Mr. G.S. Sandhu,
Advocate for the petitioner.

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.045 dated 23.02.2023 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Samrala, District Ludhiana.

2. This is the third bail petition. First petition bearing CRM-M-35541 of 2023 was dismissed by this Court on 02.09.2023 vide Annexure P.4. The second petition bearing CRM-M-60289 of 2023 was dismissed as withdrawn on 7.12.2023 vide Annexure P5.

3. Learned counsel for the petitioner contends that ever since the dismissal of the earlier petition by this Court, now the custody period of petitioner is more than 01 year and 03 months and trial is not proceeding further.

4. As per the prosecution allegations, 01 Kg 10 grams of Charas was recovered from possession of petitioner and the co-accused, namely, Achhar Singh and Hem Raj on 23.03.2023 by a Police Party when all of them were travelling in a car.

5. Notice of motion.



6. Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of the respondent- State.
7. Learned State Counsel opposes the petition on the ground that earlier petition was dismissed on merits by this Court. It is also stated that recovered quantity falls in the commercial category.
8. The custody certificate placed on record by learned State Counsel would reveal that the petitioner is in custody for the last 01 year 03 months and 05 days and that he is involved in one more case pertaining to the NDPS Act.
9. Learned State Counsel also informs that out of 10 witnesses cited by the prosecution, only 02 have been examined so far and thus, trial is likely to take long time to conclude.
10. Apart from this, the recovered quantity of Charas i.e. 01 Kg. 10 grams is just marginally higher than the threshold of 01 Kg from which the commercial category starts.
11. Having noticed all the afore-said facts and circumstances of the case, 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 and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

May 31, 2024
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(DEEPAK GUPTA)
JUDGE

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