

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M No.20698 of 2024
Date of Decision: 01.05.2024

AMIT KUMAR @ AMMYPetitioner

Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. S.P.S. Khaira, Advocate
for the petitioner.

Mr. Rahul Jindal, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.61 dated 21.07.2023 registered under Section 21(b)/61/85 of NDPS Act, 1985 at Police Station Daba, District Ludhiana, Punjab.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the alleged recovery of 42 grams of Ice (Methamphetamine) besides recovery of 150 grams of heroin from the accused namely Mani Singh.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while referring to the antecedents of the petitioner, who is stated to be involved in three more cases of NDPS besides his custody period of 9 months.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges. Petitioner is behind the bars for more than 09 months. None of the prosecution witness has been examined so far and, thus, the trial is likely to take sometime in its culmination. The recovery in the present case is of non-commercial quantity. As regards the other cases, even as per learned State counsel, two of FIRs relate to recovery of non-commercial quantities, whereas in the third case the petitioner already stands acquitted.
6. Considering the fact that the petitioner has already suffered incarceration for a period of more than 09 months and the trial is likely to take sometime in its culmination, I do not find any justification to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

May 01, 2024
Atik

(HARKESH MANUJA)
JUDGE

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