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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23722 of 2023
Date of Decision: 23.04.2024

Rajesh Kumar alias Thakur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Hasrat Brar, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.101, dated 30.06.2021, under Sections 21, 22, 61 and 85 of the NDPS Act, 1985, registered at Police Station Sadar Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that the alleged recovery of 153 intoxicating tablets from a transparent polythene bag were recovered which was allegedly found in the right pocket of the lower of the petitioner. He further submits that despite framing of charges on 06.12.2021, the trial has not yet advanced and is being delayed on account of non-production of prosecution witnesses. He further submits that the petitioner is not involved in any other case.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the allegations against the petitioner are serious in nature and the recovery found against the petitioner falls under the commercial

quantity. He further asserts that the petitioner is involved in another case as is evident from the custody certificate also.

Be that as it may, considering the fact that investigation is complete and charges have been framed on 06.12.2021 and the custody period undergone by the petitioner i.e. 01 year, 08 months and 22 days as of now, as far as the involvement of the petitioner in another case is concerned i.e. in FIR No.42 dated 11.05.2022, he has already completed his sentence awarded therein on 16.02.2024, added with the fact that out of total 11 prosecution witnesses, none has been examined so far which is suffice to infer for this Court that the conclusion of trial shall take considerable time, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

In view of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the aforesaid terms, the present petition is, hereby, allowed.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

23.04.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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