

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33088-2023
DECIDED ON: 19.01.2024

SURJIT KUMAR
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sunil Kumar Malhotra, Advocate for
Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.0116, dated 07.12.2022, under Section 22 of NDPS Act, 1985, registered at Police Station Sadar Nawanshahar, District SBS Nagar.
2. Learned counsel for the petitioner submits that the alleged recovery is of 52 intoxicant tablets, which were effected from the polythene bag alleged to have been thrown by the petitioner. He further submits that as per the FSL report, the weight of each tablet is 57 gram and ingredients come to a total of 2.96 grams, which is marginally over and above the commercial quantity.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year, 1 months and 10 days and is not involved in any

other case except in one in which he was awarded conviction and has already completed the sentence on 01.02.2016.

4. Considering the fact that out of total 12 prosecution witnesses, 9 have been examined meaning thereby all material witnesses are examined and formal witnesses are pending, no fruitful purpose would be served by keeping the petitioner behind the bars, wherein trial is at the fag end, the petition deserves to be allowed.

5. Hence, 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.

7. The present petition is, hereby, allowed.

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

19.01.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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