

2024:PHHC:110766



278 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33296-2024
Decided on:-28.08.2024

Kamaldeen
State of Punjab

....Petitioner..
....Respondent.

vs.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Himanshu Sharma, Advocate for the petitioner.
Ms. Jasleen Kaur Sidhu, DAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 Cr.PC, prayer has been made for grant of regular bail in case FIR No.284 dated 05.11.2022, registered under Section 22-C, 16, 85 of the NDPS Act, 1985, Police Station Special Task Force, SAS Nagar, wherein the petitioner has been implicated with the allegations of having recovered 12,000 tablets of “*Diphenoxylate Hydrochloride & Atropine Sulphate*”.
2. On the other hand, the prayer has been vehemently opposed at the instance of learned State counsel while referring to the huge recovery involved in the present case as well as antecedents of the petitioner, who is stated to be involved in one more case of similar nature, thus, he prays for dismissal of the present petition.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the

petitioner.

4. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges and trial is likely to take some time. The petitioner is a young man of 35 years of age, who is in custody for the past 01 year & 10 months. As regards the involvement of the petitioner in another case bearing FIR No.215 dated 24.04.2016, under Section 15 of the NDPS Act, Police Station Baddi, as per the information provided by learned State counsel, he has already been granted the concession of bail in that case.

5. Considering the aforesaid facts, this Court does not find justification to extend the incarceration of the petitioner any further.

6. In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

28.08.2024
sonika

(HARKESH MANUJA)
JUDGE

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