

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40973-2022

Decided on:-11.03.2024

Rakesh Kumar

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Hitesh Chopra, Advocate for the petitioner.

Mr. Kewal Singh, Addl.AG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.203, dated 29.12.2020 registered under Sections 21 and 22 of the NDPS Act, 1985, at Police Station Division No.1, District Pathankot.

2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 4800 tablets of “Alprazolam” besides, a sum of Rs.2,05,000/- as drug money.

3. The prayer made herein has been opposed at the instance of learned State counsel while referring to the huge recovery of intoxicant involved in the present FIR.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, petitioner has already suffered incarceration

for a period of more than 3 years & 02 months, whereas, the investigation stands concluded with filing of challan followed by framing of charges and 08 witnesses have been examined out of total 15 witnesses cited by the prosecution. The trial is likely to take some time and delay in trial is striking against the right of the petitioner as that of speedy trial, specified under Article 21 of the Constitution of India. In addition, the petitioner is not involved in any other case of NDPS Act.

6. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/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 an expression of opinion on the merits of the case.

11.03.2024
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(HARKESH MANUJA)
JUDGE

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