

207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47179-2022 (O&M)
Decided on:-23.01.2024

Aman Kumar

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present 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.130, dated 24.10.2021, registered under Section 22-C of NDPS Act, 1985, at Police Station Khamanon, District Fatehgarh Sahib.

2. In the present case, the petitioner along with his co-accused was apprehended and recovery of 200 injections of 'Buprenorphine' and 175 vials of 'Avil' was effected.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while referring to the huge recovery of contraband.

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, the petitioner is behind the bars for the past almost 02 year & 04 months, the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and so far only 03 prosecution witnesses have been examined out of total 26 witnesses as cited by the prosecution, besides it there is no other case of NDPS Act pending against the petitioner. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. 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.

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

23.01.2024
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(HARKESH MANUJA)
JUDGE

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