

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.52131 of 2023
Date of Decision: 23.01.2024

DILBAGH SINGH AND ANOTHER Petitioners

Vs
STATE OF PUNJAB Respondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sandeep Gors, Advocate
 for the petitioners.

 Mr. Gurlal Singh Dhillon, Asstt. A.G., 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.39, dated 31.05.2023, registered under Sections 22, 26, 27A, 26, 29, 61, 85 of NDPS Act, 1985 and Sections 18-A and 18(c) of the Drugs and Cosmetics Act, 1940, at Police Station Verka, District Amritsar.
2. Learned counsel for the petitioners submits that Ajay Singh (petitioner No.2) is Pharmacist and working with M/s New Sachdeva Medical Store and petitioner No.1 is the father of Ajay Singh (petitioner No.2). Petitioners have been falsely implicated in the said FIR and no recovery has been effected from the them.
3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel.

4.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioners.
5.

In the present case, the petitioner No.2 is a Pharmacist and working with M/s New Sachdeva Medical Store and petitioner No.1 is the father of petitioner No.2. No recovery has been effected from them besides it, there is no other case under NDPS Act pending against them. The petitioners have already suffered incarceration for more than 06 months. Moreover the co-accused Arun Kumar and Vinod Kumar Samra have already been granted concession of regular bail vide orders dated 16.01.2024 passed by this Court in CRM-M No.56307 of 2023 and 10.01.2024 passed in CRM-M No.61697 of 2023 respectively. Even the investigation already stands concluded with the filing of challan and trial is likely to take some time in its culmination. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioners 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 petitioners are ordered to be released on regular bail on their 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.

January 23, 2024
Atik

(HARKESH MANUJA)
JUDGE

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