

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57143-2023

Date of Decision: 29.02.2024

Honey Virdi alias Honey

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Parveen Chauhan, Advocate, for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. In compliance of order dated 10.01.2024, short Reply by way of an affidavit of Assistant Commissioner of Police (North), Police Commissionerate, Jalandhar has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.241 dated 05.11.2021 registered under Sections 22, 29/61/85 of NDPS Act, at Police Station Division No.8, District Jalandhar.

3. Learned counsel for the petitioner contends that the FIR was initially registered in the present case against Omkar Singh @ Raju, co-accused and 3000 intoxicant tablets of Tramadol Hydrochloride were recovered from him. He further contends that on the basis of the disclosure statement suffered by Omkar Singh @ Raju and a raid was allegedly conducted at the house of the petitioner and co-accused Rajan Sharma and Ankit Sharma were allegedly

apprehended with 93,000 Tramadol tablets. Learned counsel further submits that in fact, the petitioner was not present at the place, where the recovery had taken place from Rajan Sharma and Ankit Sharma and his case is clearly distinguishable from both the said accused. Learned counsel further contends that the recovery of contraband had taken place from Omkar Singh, Rajan Sharma and Ankit Sharma and all the three accused are in custody. The petitioner was arrested in the present case on 11.11.2021 and is in custody for the last more than 2 years and 3 months. He further contends that only 2 witnesses, out of total 11 witnesses have been examined so far and further custody of the petitioner will not serve any meaningful purpose. Apart from that, the petitioner has no criminal antecedents.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. It is apparent from the record that recovery of contraband Tramadol Hydrochloride had taken from Omkar Singh, Rajan Sharma and Ankit Sharma, and all three accused are in custody in the present case. Admittedly, no recovery was effected from the present petitioner nor the petitioner was found present at the place, where the contraband was recovered. Moreover, the petitioner is in custody for the last more than 2 years and 3 months and no purpose would be served by keeping him behind bars.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty
Magistrate/Chief Judicial Magistrate, concerned.

29.02.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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