

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 58665 of 2023 (O&M)
Date of Decision: 13.02.2024

Chuks

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Robin Singh Hooda, Advocate for
Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Rajeev Anand, A.P.P., U.T., Chandigarh

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 0173 dated 27.10.2021, under Section 21 of NDPS Act, 1985 and Section 14 of Foreigners Act, registered at Police Station Industrial Area, Chandigarh, wherein he was implicated against the alleged recovery of 272 grams of *heroin*.

[2] Learned counsel for respondent-UT, Chandigarh vehemently opposes the prayer for grant of regular bail to the petitioner while submitting that the petitioner is a foreign national; even he was involved in another case of NDPS Act in the State of Himachal Pradesh; and the trial is at the fag end, as 15, out of total 17 prosecution witnesses, have been examined by now.

[3] I have heard learned counsel for the parties and gone through the paper-book.

[4] In the present case, the petitioner is already behind the bars for the past 02 years 03 months and 15 days and the investigation already stands concluded with the filing of challan followed by framing of charges. Although, 15 out of 17 prosecution witnesses have already been examined; however, the trial is now posted for 13.03.2024, which may take some time in its conclusion, besides the fact that the petitioner already stands acquitted in other case of NDPS Act, which was registered in the State of Himachal Pradesh. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

[5] In view of the above, but 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 **(heavy surety to be furnished by Indian National)** to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

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

February 13, 2024
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(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No