

213 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-60107-2023

Date of Decision: 07.03.2024

Kalu Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. D.P.S. Bajwa, Advocate
 for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. 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.166 dated 23.08.2022 registered under Sections 18/61/85 of the NDPS Act, 1985, at Police Station Sadar Ludhiana, District Ludhiana.

2. As per case of the prosecution, the FIR has been registered against the present petitioner on the basis of the suspicion and the alleged recovery of 2 Kg 600 grams of opium, which is marginally above commercial quantity, has been recovered from him.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the offence in question. The petitioner is in custody since 23.08.2023 and the final report under Section 173 Cr.P.C. has already been presented against him. Learned counsel further submits that out of 11 witnesses, no one has been examined so far. Trial is likely to take long time. No useful purpose will be

served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case under NDPS Act has been registered against the present petitioner. However, he admits that he is on bail in the said case.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the ‘commercial quantity’, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

07.03.2024.
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(N.S.SHEKHAWAT)
JUDGE

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