

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 59788 of 2023 (O&M)
Date of Decision: 09.04.2024

Daljit Singh @ Bobby

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Imaan Singh Khara, Advocate
for the petitioner.

Mr. Kewal Singh, Additional Advocate General, Punjab

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.82 dated 14.10.2023, under Sections 21(b) and 27(a) of NDPS Act, registered at Police Station Tibber, District Gurdaspur, wherein he has been implicated against the alleged recovery of 10 grams of *heroin*.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while referring to the antecedents of the petitioner, who is stated to be involved in two more cases under the provisions of Indian Penal Code, though stands acquitted therein.

[3] 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.

[4] In the present case, the petitioner is behind the bars since 14.10.2023, i.e. for the last about six months by now; the investigation

already stands concluded with the filing of challan; however, none of the prosecution witnesses has been examined so far; thus, the conclusion of trial may take some time. Also, the recovered contraband falls under the category of non-commercial quantity. Moreover, admittedly, the petitioner is not involved in any other case falling under the NDPS Act and with regard to involvement in two other cases of IPC, he stands acquitted in those cases. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

[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 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.

April 09, 2024
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(HARKESH MANUJA)
JUDGE

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