

2024:PHHC:017845

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-60243-2023

Date of Decision : February 08, 2024

MAKHAN SINGH ALIAS MAKHNI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Pradhuman Garg, Advocate,
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.155, dated 17.09.2023, under Section 21 of the NDPS Act, registered at Police Station Division Boha, District Mansa

2. Learned counsel for the petitioner submits that it is not under dispute that the recovery of contraband which was effected from the present petitioner is of 10 grams of heroin, which is marginally above the commercial quantity, as prescribed under the schedule, i.e. 5 grams.

3. He further submits that the co-accused of the petitioner has already been extended the benefit of regular bail by the learned trial Court concerned, and the petitioner has already suffered incarceration of more than 4 months as on today, and he is not involved in any other

offence of similar nature, and the conclusion of trial will take a long time, as till date out of total 12 prosecution witness, none has been examined by the learned trial Court concerned

4. Learned State counsel vociferously opposed the asked for relief. He has placed on record a custody certificate *qua* the petitioner, which is taken on record, and perusal of the same reveals that the petitioner has suffered incarceration of 4 months and 21 days as on today, and he is involved in two more criminal case under the Excise Act, in which he is on bail.

5. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

6. Considering the fact that the quantity of contraband recovered from the present petition is just marginally above the commercial quantity, and co-accused of the petitioner has already been granted regular bail by the learned trial Court concerned, and the petitioner has suffered incarceration of 4 months and 21 days as on today, and out of the total 12 witnesses cited by the prosecution in the final report, none has been examined till date, this Court deems it appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

February 08, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No