

221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60317-2023 (O&M)
Decided on:-09.04.2024

Rahul KumarPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Brar Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA J. (Oral)

CRM-1377-2024

Application is allowed as prayed for. Documents
(Annexures P-3 to P-5) are taken on record.

Main case

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.19 dated 02.03.2023, registered under Sections 22-61-85 of NDPS Act and Section 15 of Indian Medical Council Act as well as Section 420 IPC, at Police Station Naya Gaon, District SAS Nagar Mohali, wherein, the petitioner has been implicated against the alleged recovery of 600 Tablets of “*Tramadol*” and 150 tablets of “*Etizolam*”
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the recovery involved in the case in hand, which is of commercial quantity, besides, the period of custody, which

is only 01 year & 01 month and thus, prays for dismissal of the present petition.

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. A perusal of record shows that the investigation already stands concluded with the filing of challan followed by framing of charges and the petitioner is behind the bars for the last more than 01 year & 01 month, besides it, only 01 prosecution witness has been examined out of total 18 witnesses as cited in the final report and trial is likely to take some time. More importantly, the alleged recovery in the present case was effected by the Medical Officer PHC Gharuan, District Mohali and the same was handed over to the police which prima facie reflects the non-compliance of mandatory provisions of NDPS Act, 1985, making the recovery doubtful. Moreover, the petitioner is not involved in any other case under NDPS Act. Thus, in such, circumstances, I do not see any reason to extend the incarceration of the petitioner.

5. 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 concerned Trial Court/Duty Magistrate.

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

09.04.2024
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(HARKESH MANUJA)
JUDGE

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