

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61068-2023

Date of Decision: January 24, 2024

AVTAR SINGHPetitioner
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kamlesh, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.01 dated 12.01.2022 registered under Sections 22(c) & 29/61/85 of NDPS Act, 1985 at Police Station Khamano, District Fatehgarh Sahib.
2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of alleged recovery of 1000 tablets of Alprazolam and 24000 tablets of Lomotil Diphenoxylate Hydrochloride from the dash board of car.
3. 3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the huge recovery of contraband which was effected from dash board of the car.
4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, custody of petitioner is already more than 01 year and 11 months whereas, the investigation stands concluded with filing of challan followed by framing of charges on 19.07.2023. However, only 01 prosecution witness has been examined so far as out of 20 witnesses cited by the prosecution. Besides, there is no other case of NDPS Act against the petitioner.

6. Considering the fact that the petitioner has already suffered incarceration for a period of more than 01 year and 11 months resulting into denial of speedy trial, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

24.01.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

