

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63693-2023

Date of Decision: February 27, 2024

ROHIT MASIH @ KAKAPetitioner
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Randeep Singh, Advocate for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 117 dated 23.10.2023 registered under Sections 21(b), 27-A of NDPS Act, at P.S. Dhariwal, District Gurdaspur wherein, the petitioner has been implicated against the alleged recovery of 15 grams of heroin besides Rs.15,000/- as drug money.
2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that custody of the petitioner is only 4 months and challan is yet to be presented.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, the petitioner was arrested on 23.10.2023 and is already behind the bars for a period of almost four months by now with no other involvement in any case under NDPS Act.

As per the learned State counsel, the challan has already been prepared with the completion of investigation and the same is going to be presented before the Illaqa Magistrate very shortly, thus, the trial is likely to take some time. Considering the quantity involved being non-commercial besides, the custody period of 4 months, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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 learned trial Court/Duty Magistrate.

27.02.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

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