

2122024:PHHC:003853

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-360-2024

Date of Decision: January 12, 2024

DHARAMPAL SHARMA.....Petitioner

Versus

STATE OF PUNJAB.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G.S. Mahal, Advocate for the petitioner.
Mr. Shubham Kaushik, A.A.G., 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. 51 dated 27.04.2022 registered under Sections 18/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Anaj Mandi, District Patiala wherein, the petitioner has been implicated against the alleged recovery of 5 kilograms of opium.
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the huge recovery besides, the involvement of the petitioner in one another case of similar nature.
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, investigation stands concluded with the filing of challan followed by framing of charges on 03.05.2023, however,

none of the prosecution witnesses out of 17 has been examined so far and the trial is likely to take some time, thus, in order to maintain a balance between the rights of the petitioner qua speedy trial as compared to his involvement in one other case of similar nature which relates back to more than two decades ago, 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.

12.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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