



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33512-2024
Date of Decision:25.02.2025

Pankaj SharmaPetitioner(s)

VERSUS

State of PunjabRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

Mr. Amandeep Singh DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Under Section(s)	Police Station	District
Pankaj Sharma	117	09.10.2023	22-61-85 of NDPS Act	Haryana	Hoshiarpur

2. Learned counsel for the petitioner submits that the alleged recovery of 258 grams of intoxicant substance i.e. tramadol powder has been effected from the possession of the petitioner. Counsel submits that the recovery is only 8 gms more than the maximum of non-commercial quantity and it is a moot question whether the quantity of said contraband is in isolation or inclusive of the polythene etc. The chances of inclusion of the polythene etc. and difference in weight cannot be ruled out while

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considering the plea of the petitioner in case any such plea arises to prove the recovered quantity to be non-commercial. Counsel submits that after completion of investigation, report under Section 173 Cr.P.C. has also been submitted to the concerned Court.

3. Counsel also submits that out of total ten prosecution witnesses, only two have been examined and the remaining witnesses are yet to appear before the trial Court for their deposition, thus, submits that trial would likely to take considerable time to conclude, hence, prays for grant of regular bail.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Counsel submits that out of total ten prosecution witnesses, one of the witness has been given up and remaining seven prosecution witnesses are yet to be examined. He also submits that there is another case pending against the petitioner under the provisions of NDPS Act, however, there is no denial that petitioner has already been bailed out in said case. Counsel submits that petitioner is a habitual offender and does not deserve any sympathy, thus, prays for dismissal of the present petition.

5. Considering the circumstances in its entirety and the fact that the quantity of the contraband recovered from the petitioner is only 08 gms more than the maximum of non-commercial quantity as well as the fact that out of total ten prosecution witnesses, only two have been examined and petitioner is in custody for the last more than one year, this Court does not find any special reason to keep the present petitioner inside jail for indefinite period.

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5. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the facts noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 25, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**